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BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
GOVERNMENT CENTER
21825 COPLEY DRIVE
AUDITORIUM
DIAMOND BAR, CALIFORNIA

TUESDAY, OCTOBER 23, 2001
9:30 A.M.

JAMES F. PETERS, CSR, RPR
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

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Dan Eaton

Steven R. Jones

Jose Medina

Michael Paparian

David Roberti

STAFF

Mark Leary, Executive Director

Kathryn Tobias, Chief Counsel

Julie Nauman, Deputy Director

Rubia Packard, Assistant Director

Pat Schiavo, Deputy Director

Michael Bledsoe, Staff Counsel

Mark de Bie

Tom Estes

Judith Friedman

Martha Gildart

Blanche Harbridge-Wright

Jerry Hart

Albert Johnson

Keith Kennedy

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APPEARANCES CONTINUED

STAFF CONTINUED

Sue Markie

Deborah McKee, Executive Secretary

Phil Moralez

John Nuffer

Dianne Ohiosumua

Dianne Range

Frank Simpson

Susan Villa

Scott Walker

Shirely Willd-Wagner

Tabetha Wilmon

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1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: Good morning and
3 welcome to our October board meeting of the California
4 Integrated Waste Management Board.

5 Would the Secretary please call the roll.

6 SECRETARY FARRELL: Board Member Eaton?

7 BOARD MEMBER EATON: Here.

8 SECRETARY FARRELL: Board Member Jones?

9 BOARD MEMBER JONES: Here.

10 SECRETARY FARRELL: Board Member Medina?

11 BOARD MEMBER MEDINA: Present.

12 SECRETARY FARRELL: Board Member Paparian?

13 BOARD MEMBER PAPARIAN: Here.

14 SECRETARY FARRELL: Board Member Roberti?

15 Chairperson Moulton-Patterson?

16 CHAIRPERSON MOULTON-PATTERSON: Here.

17 Thank you. We do have a quorum.

18 At this time, I'd like to ask everyone to stand
19 and join me in the flag salute.

20 (Thereupon the Pledge of Allegiance was
21 recited.)

22 CHAIRPERSON MOULTON-PATTERSON: Thank you very
23 much. I'd like to ask everyone to please turn off their
24 cell phones or pagers to avoid disrupting the meeting.
25 Thank you very much and on behalf of the Governor and the

1 California Legislature please keep conserving energy. And
2 in order for us to reduce waste, we've printed a limited
3 amount of agendas and staff reports and they're out as you
4 come into the room, I believe.

5 For those of you who would like to speak today at
6 our meeting, there are speaker request forms also on the
7 back table. If you wish to address any item on the
8 agenda, please fill out a slip and the item number and
9 give it to Ms. Farrell who is sitting right over here, and
10 she'll make sure that we hear what you have to say on each
11 item.

12 Lastly, there will be a closed session tomorrow
13 after lunch. And we have a time certain item. And it's
14 Item number 30, which will be heard tomorrow between 2:00
15 and 3:00. Do any members have ex partes, we'll start with
16 Mr. Eaton.

17 BOARD MEMBER EATON: No, Madam Chair, I believe
18 I'm up to date. Thank you.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
20 Eaton.

21 Mr. Jones.

22 BOARD MEMBER JONES: Madam Chair, just three
23 quick ones, Gary Johnson on gas inventory issues; Kelly
24 Astor and Denise Delmatier on the ADC and composting
25 issues.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 Mr. Medina.

3 BOARD MEMBER MEDINA: None to report at this
4 time.

5 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

6 BOARD MEMBER PAPARIAN: I received a fax
7 yesterday from John Edwin of Synagro, S-y-n-a-g-r-o,
8 regarding Item 30.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you. And I
10 have none, I'm up to date.

11 At this time, I would like to introduce Linda
12 Laurie the City Manager of Diamond Bar, and I just want to
13 let you know how appreciative we are of all your
14 hospitality.

15 DIAMOND BAR CITY MANAGER LAURIE: It's my
16 pleasure to welcome you to the City of Diamond Bar. And
17 I'm a little bit of chopped liver for you today. The
18 Mayor is ill and couldn't reach you himself. The Mayor
19 Pro Temp Carol Herrera was going to reach you, but she has
20 a scheduling conflict and will be at the other end of town
21 attending a parole museum board meeting.

22 It's our pleasure as staff to support a city
23 council that engages itself as you're well aware in big
24 issues and small issues. The staff is always eager to
25 help them solve whatever the matter is, and they're never

1 afraid to engage. And I'm sure you're aware of that from
2 your relationship with Alene. And it was her brilliance
3 that brought you to this facility.

4 This is quite an experiment, I believe. The City
5 Hall shares the facility with the Southern California Air
6 Quality Management District. It's in keeping with the way
7 that the city runs that it doesn't want to waste public
8 funds on an edifice, but to increase its service to the
9 community by expanding programs.

10 Our city has approximately 59,000 people, and it
11 is served by a staff of 38 full-time employees. Needless
12 to say, we exploit the contract city formula to the
13 fullest extent possible. And as a result, I'm sure you
14 will see that we have a fine city here with nice
15 boulevards, a high quality of life and we are very proud
16 of the community that we support.

17 I hope when you leave the City of Diamond Bar,
18 you will remember it for being more than a city with a
19 freeway that runs through it.

20 Thank you, and I hope you enjoy your time here.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you, again,
22 Ms. Laurie. It's just lovely and we really appreciate all
23 the work that your staff and your Mayor and Council have
24 put in to make us feel comfortable and we look forward to
25 working with you.

1 Thank you for being here.

2 With that, I'll turn it over to Board Member
3 reports.

4 Mr. Eaton.

5 BOARD MEMBER EATON: Madam Chair, just one to
6 report of note. I think as mentioned a couple of weeks
7 ago, I had the opportunity to go down to San Mateo and
8 work with them on they're building a new jail. And I'm
9 happy to report that they are continuing to do more
10 projects as it relates to green building and we should be
11 seeing some more of their applications, I believe, coming
12 before us. And they are working with Senator Speier and
13 Senator Sher and others to bring that to fruition. So
14 they're much on board the train and they're looking
15 forward to perhaps receiving more help in being a more
16 shining example already of what can be done with limited
17 funds.

18 That's it, thank you.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
20 Eaton.

21 Mr. Jones.

22 BOARD MEMBER JONES: Thank you, Madam Chair. As
23 I reported at the briefing, I attended the first
24 California specific SWANA Mobile Training Course as a
25 student, September 18th through the 21st. I'm still

1 waiting for the results of that test.

2 (Laughter.)

3 BOARD MEMBER JONES: But since we're pretty close
4 down here in southern California -- yeah, they'll be
5 public.

6 (Laughter.)

7 BOARD MEMBER JONES: Since we're pretty close to
8 the San District, I want to say that John Gulleage from
9 the San District and one of his engineers were very
10 instrumental in that class. And I tell you it's something
11 that, as a board, we should all take a lot of pride in the
12 fact that we have -- that this pilot program got off to
13 such a good start in the second phase to actually be able
14 to train people at landfills on what the California
15 specific regulations are. And I think it's going to make
16 a big difference and be part of our legacy.

17 I also want to say that, like many board members,
18 in fact, like all the board members, we attended the 13th
19 floor open house at the end of September and they did a
20 nice job and need to be commended.

21 And if I can just, for a second, I've gotten an
22 awful lot of phone calls from people, consultants talking
23 about the Gonzalez issue and trying to attribute some of
24 those issues to Board policy. Just to set the record
25 completely straight, I think this Board was unanimous in

1 understanding that what we got in Gonzalez were wrong
2 numbers. It didn't have anything to do with Board
3 policies.

4 And that reporting through AB 939 and through the
5 use of consultants on some of this is critical has got to
6 be as accurate as possible. It's got to be truthful, and
7 it's got to be right. And there are an awful lot of
8 consultants in the audience that's why I wanted to make
9 sure that the people new this wasn't about board policies,
10 this was about written numbers.

11 Thanks, Madam Chair.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
13 Jones.

14 Mr. Medina.

15 BOARD MEMBER MEDINA: Thank you, Madam Chair. I
16 have a number of items to report for today. On September
17 the 25th at the request of Cal EPA Secretary Winston
18 Hickox, I visited the city of Tecate, Mexico and met with
19 the Mayor and the Mayor Elect regarding the siting of a
20 new landfill for that city.

21 I also attended a public meeting because they're
22 making a major effort to get public input into this siting
23 of the new landfill, and it was attended by over 400
24 members or residents of the City of Tecate.

25 On September 26th and 27th, again, at the

1 invitation of Secretary Hickox, I attended the US/Mexico
2 10 state retreat. These are the various states on both
3 sides of the border that meet together in regard to common
4 concerns. And for the first time there was a major
5 discussion of the siting of landfills. And this issue has
6 come to the forefront. And as a result, a subcommittee
7 will be set up to discuss landfill concerns and we will be
8 participating on that subcommittee.

9 On October the 3rd, 4th and 5th, I participated
10 in a tour of the border region, along with other members
11 of the Waste Board to view sites of significant
12 environmental concern, including the Tijuana Landfill, the
13 Tijuana outfall, the Centinela tire pile and the New
14 River.

15 I think that those of us that were on this tour
16 were very much moved and impressed by the environmental
17 concerns that exist along the border and the ones that
18 need to be addressed and the ones that we can work in
19 cooperation with the border states.

20 On October the 11th, I attended a meeting with the
21 city of San Francisco Solid Waste Department, Director
22 Paul Horcher and with the San Francisco Port Authority,
23 the port property manager Terry Pecan, to discuss the
24 organizing of a recycling program for the port of San
25 Francisco.

1 On October the 22nd, I participated in an event
2 in the City of Tijuana regarding the donation of 1,200
3 curbside trash cans which were donated by the City of Los
4 Angeles to the Tijuana public schools. This was really a
5 wonderful program and these donated trash cans will
6 contribute a lot to these schools, in that previously they
7 had these open drums, no covers. They attracted flies and
8 vermin, and so they were very difficult to move, and these
9 new cans that were donated by the City of Los Angeles have
10 wheels, they're mobile and they have covers, and so they
11 will add a lot to those schools and they were very
12 appreciative.

13 There was a representative of that particular
14 school district that was present, and so it was a very
15 beautiful program that Cal EPA has recorded. And I want
16 to recognize our own Paulina Luna who played the major
17 role in making the arrangements of locating the trash cans
18 from the City of Los Angeles and also for making all the
19 arrangements with the Mexican authorities and helping to
20 put together a very good program.

21 And that concludes my report for today.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
23 Medina for your leadership in the on-the-border issues.
24 We really appreciate it.

25 Mr. Paparian.

1 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
2 I have several items that I wanted to mention. First of
3 all, I'd like to thank Jill Jones of the Office of
4 Organizational Effectiveness and Renee Lawver for all
5 their help with the project that I'm involved with, the
6 Cal EPA, EMS headquarters project. We've had two meetings
7 of the Steering Committee for that project and both of
8 these women have been really instrumental in the meetings
9 being very successful and well run. I wanted to pass
10 along my thanks to them.

11 On electronics waste, there's a couple of items I
12 wanted to mention. In August the Electronics Industry
13 Alliance put out a call for proposals for electronics
14 waste pilot projects that they were planning to fund. On
15 very short notice, Mark Kennedy from my staff worked with
16 localities from around the State in compiling proposals.

17 We wound up getting 62 submitted proposals
18 representing 100 event locations in California. We
19 submitted these to the Electronics Industry Alliance and
20 unfortunately they did not choose any of our proposals in
21 California. They went with three proposals primarily on
22 the east coast.

23 But we will continue to work with the industry.
24 If they come up with additional pilot projects, we'll try
25 to get some of those into California.

1 But I think that what this really shows is on
2 very short notice 62 localities were able to come up with
3 proposals. It really shows a lot of pent up demand for
4 action and activity in this area. There have been some
5 good things that have been going on in California. I'll
6 mention just one. Best Buy in Sacramento this coming
7 Friday and Saturday is going to have a collection event
8 for electronics waste. And we'll be looking to post some
9 of the events like this and others on the Board's web
10 site, the electronics page on the web site.

11 I've had the opportunity to speak with and work
12 with a number of electronics industry folks over the past
13 month. I've spent some time with the Environmental
14 Committee of the Silicon Valley Manufacturers
15 Association -- Manufacturers Group, excuse me, as well as
16 a meeting of the National Consumer Electronics Association
17 a few weeks ago.

18 In addition, I've had the opportunity to see a
19 few interesting sites around California, including the
20 Lakin Tire facility, the Bradley Landfill, the Azusa Tire
21 Monofill and the New Way Landfill over the past few weeks.

22 And then I'll just finally mention that I did
23 attend the hearing of Senator Romero's urban landfills
24 special committee, where I just -- I didn't speak. Mark
25 Leary was the representative of the Board speaking and

1 Julie also were speaking at that hearing, and did an
2 excellent job at the hearing.

3 I also attended the EIR hearing on the Puente
4 Hills Landfill that was held that same evening. I found
5 that to be quite interesting, that community meeting
6 workshop on that facility.

7 The one other meeting that I'll highlight, Kit
8 Cole of my staff has been working with facilities and
9 building people within State government and federal
10 government on procurement and green buildings related
11 issues. And she helped put together a roundtable on
12 the -- we'll call it the Federal Facilities Roundtable
13 about a week ago, but actually it was quite a few people
14 from State agencies and federal agencies getting together
15 to share experiences on green building and procurement
16 issues. It was very well attended and I think a
17 successful meeting for the folks involved.

18 Thank you.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
20 Paparian.

21 I had the opportunity of presenting the CalMats
22 award to the Los Angeles Children's Museum. At the their
23 request, we presented it at Resida Elementary School and
24 we were able to see what the school children had done with
25 recycled materials, and it was really impressive.

1 Also, I did want to congratulate also the 13th
2 Floor for their open house. They certainly educated the
3 Board Members about what waste prevention and market
4 development does and also our Education Division. And I
5 want to thank them. It was very, very enlightening.

6 I was the keynote speaker along with
7 Congresswoman Hilda Solis at the El Monte Buy Recycled
8 Forum. And they just did a terrific job. It's really
9 amazing to see that a city could do so much in this area.
10 And Congresswoman Solis wanted me to pass along to my
11 colleagues her sincere appreciation of what we're doing in
12 the area of addressing environmental justice.

13 Also, last but not least, I, along with Board
14 Member Medina, went along on our border tour that was
15 sponsored by Cal EPA and many of the board members had
16 representatives along on the trip. And it was as Board
17 Member Medina said, it was a great experience to see
18 firsthand what -- I shouldn't say great experience, but it
19 was very interesting to see the projects down in the
20 border area and the environmental implications for the
21 United States with the New River and the Tijuana Landfill,
22 and so forth, and also our Executive Director Mark Leary
23 attended.

24 And I believe we have a short video to show. We
25 were able to record some of the sites down there and some

1 of the implications for the United States.

2 So with that, I'll have the video run.

3 (Thereupon a video was played.)

4 CHAIRPERSON MOULTON-PATTERSON: And I also want
5 to thank you, Frank Simpson, and his staff for putting
6 together that video. That was great that we could bring
7 back what we saw down there and the implications.

8 Thank you, Frank.

9 Okay. I also wanted to mention that November
10 10th through 17th is the week we'll be celebrating America
11 Recycles Day which is November 15th. We will be
12 publicizing the RAP of the year award winners during
13 American Recycles Week, so I wanted to remind everyone to
14 please participate in the events around your area. We
15 have posted informational material on American Recycles
16 Day on the Board's web site, which can help you plan
17 events or to attend one. And we'll also be adopting a
18 resolution during Agenda Item 31 to recognize America
19 Recycle Day.

20 And with that, I would like to turn it over to
21 Mark Leary, our new Executive Director. We've introduced
22 a lot of Interim Executive Directors, and now it gives me
23 great pleasure to introduce Mark Leary, Executive
24 Director.

25 Thank you, Mark.

1 EXECUTIVE DIRECTOR LEARY: Thank you, Madam Chair
2 and Members of the Board. It is, of course, a great
3 privilege and honor to serve as your Executive Director.
4 And I pledge to you here today and to all of our
5 stakeholders that I commit to exert every ounce of my
6 energy to implement your vision and to be a conduit from
7 our staff to you to make sure that we do the highest
8 quality work and also represent all of our stakeholders in
9 our efforts.

10 Thank you very much.

11 And with that, I would like to start my Executive
12 Director's report. I have a number of items today I'd
13 like to start by reporting on the Landfill Gas to Energy
14 Workshop.

15 On October 2nd, the Landfill Gas to Energy
16 Workshop was held at the Cal EPA building. The U.S. EPA's
17 Landfill Methane Outreach Program organized the workshop
18 helped to facilitate the development of landfill gas in
19 California as a renewable energy source with significant
20 help from our staff at the Waste Board, the Air Board, the
21 Water Board and the California Energy Commission, all part
22 of the Landfill Gas to Energy Task force convened last
23 December.

24 Over 125 persons attended the workshop from
25 industry, from local government to energy companies and

1 consultants. Secretary Hickox presented opening remarks
2 and board staff presented information in two areas.

3 Firstly, we presented information regarding our
4 evaluation for potential capacity of landfill gas to
5 energy at solid waste disposal sites, through new or
6 expanded projects.

7 There is a significant potential for increasing
8 renewable energy production from landfill gas, possibly
9 doubling the state's current 250 megawatt production
10 capacity, enough to supply the energy needs of
11 approximately 250,000 homes.

12 Secondly, the Board had its information on
13 efforts in facilitating development of the bioreactor
14 landfills technology, which has the potential to increase
15 production of landfill gas five to ten times over a
16 conventional landfill. But the workshop wasn't without a
17 discussion of barriers. Barriers to landfill gas to
18 energy were also identified at the workshop and included
19 interconnection and utility issues, technical and research
20 issues, air and regulatory issues and the need for tax and
21 financial incentives.

22 The task force will continue to work to help
23 resolve these issues. And follow up on the results of
24 this well received workshop will be forthcoming.

25 I'm pleased to announce that the Board has been

1 awarded a \$50,000 matching fund grant from the U.S. EPA's
2 pollution prevention incentives for states programs to
3 conduct an integrated multimedia outreach campaign in the
4 North Natomas area of the City of Sacramento. Working
5 with several key City of Sacramento agencies that will
6 also provide matching funds, the Board staff will promote
7 the use of resource efficient landscaping practices for
8 residents and professional landscapers.

9 The goals of the North Natomas landscape managed
10 outreach program are to prevent pollution, to preserve
11 habitat in the area's unique storm water detention basins,
12 conserve the city's water resources, reduce green waste
13 generation and cut pesticide usage in the urban
14 landscapes. This is a board managed project led by our
15 Organics and Resource Efficiency Branch.

16 I'd also like to bring to your attention a letter
17 of commendation award that the Board has received from
18 State Controller Kathleen Connell to our Admin and Finance
19 Divisions accounting office. The letter and award were
20 presented for achieving excellence in financial reporting,
21 for four out of the seven Board's funding sources for the
22 fiscal year ending June 30th 2000.

23 The Accounting Office is to be commended for
24 their hard work and commitment and the accuracy that the
25 State Controller's Office acknowledged. Special

1 recognition must go to Susan Johns, the Manager of the
2 Financial and Assistance Branch and to Kim Kotey the
3 Accounting Administrator over the Accounting Office for
4 their expertise, leadership and direction provided in
5 completing the year-end reports timely and efficiently.

6 These reports were completed under the stringent
7 criteria prescribed by the State Controller's Office while
8 still maintaining excellent customer service we've grown
9 to be accustomed to on the Board. The Letter and
10 Commendation and award for excellence are framed and
11 hanging on the 19th floor should you like to stop by and
12 view that excellent accomplishment.

13 I'd like to report a little bit on the final
14 chapter of the legislation and what the Governor has done
15 in relation to a couple of bills that we've been
16 following. Assembly Bill 173 by Assemblymember Chavez
17 deals with inert waste and solid waste disposal
18 facilities. This bill extends the January 1st, 2002
19 sunset date for the tipping fee exclusion, on the use
20 disposal and placement of inert material for surface
21 mining reclamation. The Governor did sign this
22 legislation. The sunset date is extended until the
23 operative date of regulations that the Board is required
24 to promulgate by January 1, 2000.

25 Our Permitting and Enforcement Division is

1 already working on these regulations and we expect to
2 bring these before you well in advance of the new sunset
3 date.

4 The Governor also approved two environmental
5 justice bills Senate Bill 828 by Senator Alarcon adds due
6 dates for developing the interagency environmental justice
7 strategy. Cal EPA in cooperation with all the BDOs is
8 well ahead of these dates and is on its way to fulfilling
9 the requirements of the bill.

10 Assembly Bill 1553 by Assemblymember Keeley
11 requires the Office of Planning and Research to
12 development guidelines for local governments to use in
13 incorporating environmental justice in their general
14 plans.

15 The bill signed by Governor Davis that has many
16 in the environmental education community talking, of
17 course, is Senate Bill 373 by Senator Torlakson. This
18 bill codifies our new Office of Integrated Environmental
19 Education and tests developing a new education strategy.
20 It also requires the State Board of Education and the
21 State Department of Education to incorporate environmental
22 concepts into their science framework.

23 This is a groundbreaking change that's been a
24 long time in coming. It will be the first time that
25 environmental concepts will be included in the science

1 framework. As you may know, the teaching standards and
2 frameworks help teachers what to teach and the methods to
3 teach them. Having concepts on the environment in that
4 framework will demonstrate to teachers that using the
5 environment is a sound method to teach scientific
6 principles.

7 373 expands on our efforts to provide tools to
8 support the teachers, schools and school districts. It
9 also has a grant component he help support the
10 environmental education effort at this schools.

11 As I promised in previous board meetings, I'd
12 like to give you an update on our biennial review and the
13 time extension status. As of October 15th, our Office of
14 Local Assistance has received 319 out of a possible 445
15 annual reports from jurisdictions for the year 2000. We
16 are aware that 75 more jurisdictions that are actively
17 working on completing their annual reports. As mentioned
18 in the last month's agenda Item on the 1999/2000 biennial
19 review process, a reminder letter will be sent to the
20 jurisdictions that have outstanding reports.

21 As in previous years, each jurisdiction will be
22 given an additional 60 days to submit their reports.
23 Regarding time extensions allowed by Senate Bill 1066, 75
24 jurisdictions have reported they will definitely seek
25 submitting requests. In addition, 212 jurisdictions have

1 reserved the right to apply for an extension in the future
2 depending on the results of their biennial review.

3 Another 90 jurisdictions have indicated that they
4 will not be applying for a time extension, and we do not
5 have any indication from over 60 of the remaining
6 jurisdictions.

7 Real quick, I'd like to report that we've made
8 some efforts in the Tire Hauler Manifest Program. The
9 Board has recently held two invitational workshops with
10 members of the tire management industry to present and
11 discuss the draft management forms and reporting process
12 required under the provisions of Senate Bill 876. The
13 workshops were held on October 9th in Sacramento and
14 October 16th here in Diamond Bar. We felt both workshops
15 were very productive. Staff would like to thank Board
16 Member Jones for his participation in those workshops.

17 We received helpful suggestions of how to improve
18 the draft forms. Two more workshops that will be open to
19 the general public are scheduled on November 6th here in
20 Diamond Bar again and then on November 8th in Sacramento.

21 And finally, One of our tire facilities, as
22 you've probably seen in the news caught fire recently. A
23 fire broke out Thursday at the First Nation Recovery
24 Facility near Mecca, California. It was kept out of the
25 main building and it didn't lose any major equipment, but

1 they did lose two of their filter houses and it burned
2 about 3,000 tires.

3 The fire was contained to a small area and was
4 extinguished by Friday. There were no injuries. The
5 Riverside County Health Services Agency, the Department of
6 Environmental Services has conducted an investigation and
7 has determined there were no health or environmental
8 concerns.

9 That concludes my report.

10 Thank you.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
12 Leary.

13 Nice to see you Senator Roberti. Glad to have
14 you back. We missed you very, very much. And, at this
15 time, I wanted to give you an opportunity to declare any
16 ex partes and/or give a board report if you desire.

17 BOARD MEMBER ROBERTI: No, not at this moment.

18 CHAIRPERSON MOULTON-PATTERSON: Okay.

19 BOARD MEMBER ROBERTI: I'm collecting myself.

20 CHAIRPERSON MOULTON-PATTERSON: Okay. And no ex
21 partes at this time?

22 BOARD MEMBER ROBERTI: Not at this time, no.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you Senator
24 Roberti.

25 Okay, with that, we'll go to the consent agenda.

1 And I did want to mention that Items 17, 22, 23 and 24
2 have been pulled. Item 12 has been placed on consent
3 agenda. Would any board member wish to pull it from
4 consent?

5 Okay, with that, may we have a motion?

6 Mr. Jones.

7 BOARD MEMBER JONES: Madam Chair, I'll move
8 adoption of the consent calendar.

9 BOARD MEMBER MEDINA: Second.

10 CHAIRPERSON MOULTON-PATTERSON: A motion by Mr.
11 Jones, seconded by Mr. Medina to approve the consent
12 agenda, which is Item number 12.

13 Please call the roll, Ms. Farrell.

14 SECRETARY FARRELL: Eaton?

15 BOARD MEMBER EATON: Aye.

16 SECRETARY FARRELL: Jones?

17 BOARD MEMBER JONES: Aye.

18 SECRETARY FARRELL: Medina?

19 BOARD MEMBER MEDINA: Aye.

20 SECRETARY FARRELL: Paparian?

21 BOARD MEMBER PAPARIAN: Aye.

22 SECRETARY FARRELL: Roberti?

23 BOARD MEMBER ROBERTI: Aye.

24 SECRETARY FARRELL: Moulton-Patterson?

25 CHAIRPERSON MOULTON-PATTERSON: Aye.

1 We have no continued business agenda items, so we
2 will go right into our new business agenda items.

3 BOARD MEMBER ROBERTI: Madam Chair, I do have one
4 ex parte.

5 CHAIRPERSON MOULTON-PATTERSON: Oh, excuse me,
6 Senator Roberti.

7 BOARD MEMBER ROBERTI: On October 12th I received
8 a communication from a Los Angeles councilman Nate Holden
9 representing himself and Chris Holden regarding
10 environmental justice and the Board and/or Department
11 contracting out of for independent surveys in this area.

12 On October 20th, I received a communication
13 from -- scratch it.

14 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you
15 Senator Roberti.

16 Okay, that brings us to Permits, LEA and Facility
17 Compliance.

18 Ms. Nauman.

19 DEPUTY DIRECTOR NAUMAN: I'm right here, Madam
20 Chair.

21 CHAIRPERSON MOULTON-PATTERSON: I'm going to have
22 to get oriented to the room, so if I don't find anyone.

23 DEPUTY DIRECTOR NAUMAN: Madam Chair and Board
24 Members, Julie Nauman with the Permitting and Enforcement
25 Division, we have seven permits and some assorted items

1 for you this morning. I will begin with Item number 1,
2 which is Consideration of a Revised Solid Waste Facility
3 Permit for the Allied Imperial Landfill located in
4 Imperial County. March DeBie who is sitting to my right
5 will present this item.

6 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
7 Than you Julie. Mark De Bie with Permitting and
8 Inspection. I have the honor of presenting this item on
9 behalf of Leslee Newton-Reed, my staff person that
10 developed the item.

11 As Julie indicated, this is a privately owned
12 landfill in Imperial county. And the request on this
13 revised permit is for an increase in the vehicle counts
14 going from a current level of 101 vehicles increasing to
15 117 vehicles during the course -- or catching up to this
16 year, year 2001, and then increasing to a total of 123
17 vehicles through 2002.

18 Staff has analyzing this request and found that
19 it was consistent with existing CEQA documentation in the
20 form of the Environmental Impact Report that did discuss
21 an annual increase of five percent in vehicle counts after
22 the year 2000.

23 And with that issue being resolved, staff was
24 able to make all of the required findings, and therefore
25 staff recommends that the Board adopt Solid Waste Facility

1 Permit number 13-AA-0019.

2 The LEA for Imperial County is present in the
3 audience if the Board has any questions.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr. De
5 Bie.

6 Questions from board members?

7 Mr. Jones.

8 BOARD MEMBER JONES: Madam Chair, I'd like to
9 move adoption of Resolution 2001-411, revised,
10 Consideration of a Revised Solid Waste Facility Permit for
11 Allied Imperial Landfill in Imperial County.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
13 Jones.

14 BOARD MEMBER MEDINA: I'd like to second that
15 motion, Madam Chair.

16 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.
17 Jones seconded by Mr. Medina to approve Resolution
18 2001-411, revised.

19 Please call the roll.

20 SECRETARY FARRELL: Eaton?

21 BOARD MEMBER EATON: Aye.

22 SECRETARY FARRELL: Jones?

23 BOARD MEMBER JONES: Aye.

24 SECRETARY FARRELL: Medina?

25 BOARD MEMBER MEDINA: Aye.

1 SECRETARY FARRELL: Paparian?

2 BOARD MEMBER PAPARIAN: Aye.

3 SECRETARY FARRELL: Roberti?

4 BOARD MEMBER ROBERTI: Aye.

5 SECRETARY FARRELL: Moulton-Patterson?

6 CHAIRPERSON MOULTON-PATTERSON: Aye.

7 Thank you.

8 DEPUTY DIRECTOR NAUMAN: Item number 2 is

9 Consideration of a Revised Solid Waste Facility Permit for
10 Monofill Landfill Located in Imperial County.

11 Mark, will also present this item.

12 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:

13 Thank you. An interesting title for this facility
14 Monofill, because it aptly describes what it currently
15 does and that is accept drilling muds and filter cake
16 material from geothermal exploration and projects.

17 This facility has been receiving that kind of
18 material, but incidental to that it had also been
19 disposing of plastic sheeting, which was not indicated in
20 the permit.

21 Trucks come into the facility lined with the
22 plastic sheeting that contains the drilling muds and have
23 found that it is operationally better to just go ahead and
24 dispose of the plastic within the monofill as opposed to
25 try and pull it out and deal with it in another way.

1 The LEA for Imperial County has found that the
2 addition of plastic sheeting to the waste disposed at this
3 site is categorically exempt under CEQA. Utilizing a
4 Class 1 exemption, board staff have reviewed that
5 determination and agreed that it would be appropriate in
6 supporting the Board's determination relative to this
7 permit.

8 There are no other issues relative to this permit
9 and, so board staff recommend that the Board adopt solid
10 -- or concur on the issuance of Solid Waste Facility
11 Permit 13-AA-0022. And again the Imperial County LEA is
12 present if you have questions.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr. De
14 Bie.

15 Mr. Eaton.

16 BOARD MEMBER EATON: Perhaps the LEA can answer
17 consider this question. They had been disposing of the
18 plastic without a permit prior to this application?

19 MR. QUICK: My name is Gerald Quick, contact
20 person for Imperial County LEA.

21 There has been and only five truck loads that had
22 plastic sheeting in the bed in order to facilitate
23 tipping. There hasn't been any since staff of the Waste
24 Board made their annual inspection. That was last the
25 load. That's when I became aware of it and that's when we

1 instituted a permit revision for it. This has not been
2 something that's been going on since the life of that
3 facility.

4 BOARD MEMBER EATON: Mr. Quick, is there any
5 reason why this material cannot be reused in concert with
6 our hierarchy of reuse, reduce and recycle. I mean, I can
7 see if material is damaged in some way through transport.
8 But if the idea is to line a truck bed, what then prevents
9 it from being used?

10 I don't have a problem with the permit or if it
11 needs disposed for injury, but I'm just wondering is this
12 just a situation where they're going to come in and just
13 dumb and, you know, clean the bed and go through or is
14 there a particular reason why they can't reuse the liner
15 bed of plastic. It seems there would have to be a
16 sufficient thickness to hold the mud and the cake in the
17 first place. Are you aware of any, and if so, you know,
18 why couldn't we or what can we do to encourage them?

19 MR. QUICK: Well, of course, to begin with, there
20 is damage to the plastic when it is tipped, and as the
21 filter cake and/or cutters are disposed of in the
22 landfill. But probably more importantly without respect
23 to that, up until probably recently a filter cake contains
24 naturally occurring radioactive material. We can't share
25 that that has been cleaned if every particle of barium

1 sulfate crystals and then recycle it. That's the real
2 reason for it.

3 BOARD MEMBER EATON: But I thought this was a
4 nonhazardous site.

5 MR. QUICK: It's a Class 2 facility. It's
6 nonhazardous.

7 BOARD MEMBER EATON: So in a sense you're saying
8 that it's better to bury the plastic?

9 MR. QUICK: Without question.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
11 Eaton.

12 Mr. Jones.

13 BOARD MEMBER JONES: Madam Chair, I'll move
14 adoption of resolution 2001-414, revised, consideration of
15 a revised solid waste facility permit for the monofill
16 facility in Imperial County.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 BOARD MEMBER MEDINA: Madam Chair, I'd like to
19 second the resolution.

20 CHAIRPERSON MOULTON-PATTERSON: We have a motion
21 by Mr. Jones seconded by Mr. Medina to approve Resolution
22 2001-414, revised.

23 Please call the roll.

24 SECRETARY FARRELL: Eaton?

25 BOARD MEMBER EATON: Aye.

1 SECRETARY FARRELL: Jones?

2 BOARD MEMBER JONES: Aye.

3 SECRETARY FARRELL: Medina?

4 BOARD MEMBER MEDINA: Aye.

5 SECRETARY FARRELL: Paparian?

6 BOARD MEMBER PAPARIAN: Aye.

7 SECRETARY FARRELL: Roberti?

8 BOARD MEMBER ROBERTI: Aye.

9 SECRETARY FARRELL: Moulton-Patterson?

10 CHAIRPERSON MOULTON-PATTERSON: Aye.

11 Item 3.

12 DEPUTY DIRECTOR NAUMAN: Thank you. Item 3 is
13 Consideration of a Revised Solid Waste Facility Permit for
14 the Visalia Disposal Site in Tulare County.

15 Keith Kennedy of the Permitting and Inspection
16 Branch will make the presentation.

17 MR. KENNEDY: Good morning, Madam Chair and Board
18 Members, the Visalia Disposal site was last permitted in
19 1979. The facility is owned and operated by the Tulare
20 County Resource Management Agency. The facility primarily
21 serves the City of Visalia and surrounding or incorporated
22 area.

23 The proposed revised permit allows for the
24 following major changes, an increase in tonnage from 385
25 tons per day to an average of 1,200 tons per day with a

1 peak of 2,000 tons per day; an increase in the disposal
2 footprint from 132 acres to 247 acres to include a new 115
3 acre Class 3 waste management unit; a change in the
4 property boundary from 132 acres to 631 acres; a peak of
5 900 vehicles per day; a change in the permitted hours from
6 Monday through Sunday 9:00 a.m. to 4:00 p.m. to Monday
7 through Friday 7:00 a.m. to 4:00 p.m. and Saturday 8:00
8 a.m. to 4:00 p.m. less holidays; the final major change is
9 a definition in the maximum elevation as 505 feet above
10 mean sea level for the new waste management unit. The
11 original permit did not define the maximum elevation.

12 Staff would like to make the Board aware that
13 groundwater degradation has occurred beneath the site as a
14 result of operations within the existing unlined waste
15 management unit.

16 Several investigations have initially identified
17 and continue to identify the nature and extent of the
18 groundwater impacts. The groundwater contamination has
19 been found in several monitoring wells off-site including
20 wells on an adjacent active dairy. However, the supply
21 well for the dairy and residents has not shown any
22 contamination above background levels according to the
23 County.

24 The Regional Water Quality Control Board has
25 issued a cleanup and abatement order for the Visalia

1 Disposal Site. At the present time, an interim
2 groundwater extraction and treatment system has been
3 designed and insulation should be complete within three
4 months.

5 Should the Board concur with the issuance of the
6 permit revision, the county of Tulare will commence with
7 the construction of a new waste management unit, which
8 will be a physically separate unit from the existing unit.

9 It is anticipated that waste will be placed in
10 the new unit in approximately 12 months. Initially, only
11 residential waste will be placed in the new unit and bulk
12 type waste, which mainly comes from roll-off containers
13 will continued to be placed in the old unit. This will be
14 in order to protect the liner of the new unit and to bring
15 the old unit up to final closure and grading levels.

16 The county estimates that the old waste
17 management unit will completely stop taking waste within
18 two to two and a half years after completion of the new
19 unit. In essence, the construction and operation of the
20 new waste management unit will help mitigate the
21 groundwater contamination issue by facilitating the
22 closure of the old waste management unit.

23 Board staff have determined that all the
24 requirements for the proposed permit have been fulfilled.

25 In conclusion, staff recommends that the Board

1 adopt Board Resolution number 2001-416 concurring with the
2 issuance of solid waste facility permit number 54-AA-0009.

3 This concludes staff's presentation. Jeff Monaco
4 from the Tulare County Resource Management Agency and
5 Keith Yonkey the LEA for Tulare Country are available for
6 questions, and I would also be happy to answer any
7 questions from the Board.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.
9 Mr. Paparian.

10 BOARD MEMBER PAPARIAN: Yeah, I have a few
11 questions. I just want to clarify, from the information
12 we have, there are three big issues associated with this
13 facility, one relating to groundwater that you've
14 identified and then also problems with air quality, PM 10,
15 cumulative impacts, fugitive dust is identified in the
16 staff report, and then finally visual impacts are an
17 additional item that apparently are significant but
18 unavoidable in terms of its impacts.

19 Let me just start with the water, has the Water
20 Board signed off on this? You've mentioned that they have
21 a cleanup and abatement order, but do they have -- have
22 they signed off in terms of the permits for what's before
23 us today?

24 MR. KENNEDY: I believe there will be new waste
25 discharge requirements filed by the County to the regional

1 board after this permit, if this permit gets concurred
2 with. I have talked to the regional board, Scott Moore,
3 from the regional board, and in my conversations with him
4 he said that by permitting this new waste management unit,
5 it will be a step in the right direction in terms of
6 cleaning up the groundwater contamination issue.

7 BOARD MEMBER PAPARIAN: Okay. The thing I worry
8 about is whether anything we do here today could
9 exacerbate the water quality problem that they're having.
10 In other words, you mentioned that in terms of the area of
11 the facility where presumably the water problem is coming
12 from that they would put inert waste on top of that, is
13 that right?

14 MR. KENNEDY: Essentially. They're going to put
15 residential type waste in. Once they get the new unit
16 built, they'll put the residential waste in there and then
17 the roll-off containers from commercial industry that
18 could maybe contain inert type waste, it could contain C&D
19 rebar, something like that. They'll put it in the old
20 unit. They still have to bring up the old unit to the 3
21 to 1 slope in order to close it properly.

22 BOARD MEMBER PAPARIAN: Would the old unit get
23 any -- in the roll-off bins or in any other way would they
24 get any new organic material?

25 MR. KENNEDY: That I'm not sure of. If I could

1 ask Jeff Monaco the operator to answer that question.

2 BOARD MEMBER PAPARIAN: And then how about the
3 question of whether allowing the inert waste to go on top
4 of that facility, would that, in any way, exacerbate the
5 problem of leakage from that facility? If you put more
6 weight on top of that, does that create any problems in
7 terms of additional leakage on the facility.

8 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
9 Mr. Paparian, Mark De Bie with Permitting and Inspection,
10 let me address that in a more general way and then we'll
11 ask the LEA and operator to give you the specifics on this
12 site.

13 But it's our understanding that this existing
14 unit is approaching closure. Their plans are to close
15 this site. To do that they need to build up the slopes so
16 that they can put a final cap on it that will drain
17 properly.

18 So whether they put in inert like materials, C&D
19 material, that may include some organics or if they just
20 put in dirt, you know, there will be the same amount of
21 weight added to this unit. So if there would be an impact
22 relative by the shear volume, it would be whether it's
23 waste or not.

24 But, again, we can defer to the operator in their
25 assessment on what continued operation that this current

1 unit would be. Without this permit, it's our
2 understanding that the county would continue to utilize
3 this cell, that's their only landfill option right now, in
4 terms of placing and disposing of their waste.

5 So without the expansion that's in this permit,
6 they would be limited to continuing to place waste in that
7 existing cell. So by allowing this expansion, they
8 increase their options in terms of having a
9 state-of-the-art cell built to continue taking the
10 county's waste.

11 BOARD MEMBER PAPARIAN: Okay.

12 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
13 Perhaps the operator can come forward and respond to the
14 Board members questions.

15 Thank you.

16 MR. MONACO: Good morning, Madam Chair and
17 Members of the Board. My name is Jeff Monaco Solid Waste
18 Manager for Tulare County. In response to your question,
19 Board Member Paparian, the additional waste that would be
20 placed on the existing unit, as Keith indicated, will be
21 primarily roll-off loads, but that will not exclusively be
22 inert material. There will be some organics that will be
23 placed on the existing unit as well.

24 BOARD MEMBER PAPARIAN: Okay. In terms of the
25 leakage that you're seeing, now that's -- I understand

1 some of that is in the vicinity of a dairy.

2 MR. MONACO: That's correct. There is a dairy
3 approximately three quarters of a mile west of the
4 facility.

5 BOARD MEMBER PAPARIAN: And then it's showing up
6 in some wells approaching the dairy, but not their main
7 well, is that right?

8 MR. MONACO: It has showed up in the monitoring
9 wells, but not the primary supply well for the dairy,
10 which provides the drinking water for both the residents
11 and the cows.

12 BOARD MEMBER PAPARIAN: Okay. Have they
13 expressed concerns about this permit?

14 MR. MONACO: Yes, they have.

15 BOARD MEMBER PAPARIAN: And what's the nature of
16 their concerns?

17 MR. MONACO: They encouraged the County to
18 continue its mitigation measures that have been undertaken
19 and filed with the Regional Water Quality Board. They
20 would like to see things move a little bit quicker than
21 they are in terms of the mitigation measures.

22 BOARD MEMBER PAPARIAN: And then can you
23 elaborate on the air quality issues, the unavoidable
24 impacts for fugitive dust and PM 10 and cumulative
25 impacts.

1 MR. MONACO: As you've indicated, there were both
2 air quality impacts and visual impacts that the
3 Environmental Impact Report identified as being an issue.
4 We have identified in the mitigation measures steps to try
5 to minimize the air quality impacts, including when
6 various heavy equipment is operated in various excavation
7 activities. They are all outlined in the mitigation
8 measures and in the document.

9 BOARD MEMBER PAPARIAN: Okay. Let me go back to
10 our staff for a second. The interaction of our permit
11 with the Water Board's permit, again, if they haven't
12 issue their permit yet, what I'm worried about is whether
13 something we do ties their hands in terms of what they'd
14 like to see done with relation to the leaking part of the
15 facility.

16 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
17 It has come up in the past, and our advice has been to the
18 LEAs And to the operator that if they come to us first to
19 get the permit and then go to the regional board to get an
20 updated waste discharge requirement, that if something
21 occurs in that process in the waste discharge requirements
22 that affects our approval in terms of what we approved,
23 you know, scaling back what we approved or modifying what
24 we approved, we would ask that they come back and revise
25 the approval, the permit that the Board acted on.

1 So, you know, our advice has been basically that
2 if they come to us first and then go to the regional board
3 and the project changes because of requirements that the
4 regional board has layered on for protection of water
5 quality, that affect aspects of our approval, we would
6 expect them to come back and revise our permit to reflect
7 those changes.

8 BOARD MEMBER PAPARIAN: Let me just walk you
9 through an example and make sure I understand this. If,
10 for example, the Regional Water Board decided they wanted
11 only inert waste, truly restricted to inert waste, okay
12 our permit that we have before us today would allow
13 anything in the roll-off bins to go in there. If the
14 Water Board decided really it ought to just be inert
15 waste, could they restrict that waste material going into
16 the facility even though it's part of our permit?

17 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
18 Yes, they have clear authority to determine what can or
19 cannot go into a cell for reasons of water quality.

20 So if they restricted the waste going into the
21 old cell or even the new cell, they can do that
22 unilaterally with their permit, and that would be a good
23 example of the need for the operator and the LEA to come
24 back and readdress the solid waste facility permit to make
25 our permit consistent with the Regional Water Quality

1 Board's requirement so we would expect the permit to come
2 back for revision to say, you know, reality is you can't
3 put MSW in that cell, you can only take inerts.

4 But the more restrictive permit would take
5 precedent. So if we were a little more loose with waste
6 types going into a cell and the regional board was more
7 restrictive, that would take precedent and we would defer
8 to that.

9 BOARD MEMBER PAPARIAN: Okay. Thank you.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Mr. Eaton has some comments.

12 BOARD MEMBER EATON: Mr. Monaco, what's the
13 current height of the cell that is to be closed? I know
14 it needs to get to 85 feet, but is that the optimal height
15 or can it be closed at a lower height, and if so, why
16 haven't we gone there?

17 MR. MONACO: Mr. Eaton, the approximate height
18 right now is somewhere in the vicinity of 76, 77 feet. If
19 we were to change the height now, we would have to alter
20 our slopes that we've built to this point, but we're
21 fairly close to the final shape.

22 BOARD MEMBER EATON: So the roughly, let's say,
23 eight to ten feet that remains in order for you to
24 accomplish the closure engineering as outlined, how long
25 do you believe it would take under normal loads to reach

1 that height?

2 MR. MONACO: That's somewhat of a complicated
3 question. It varies kind of because the waste stream --
4 because of implementing recycling programs, quite a bit of
5 the waste stream is going out of the county now as
6 residual waste from a processing facility.

7 But at current average flow per day, I would say
8 that it's approximately to two to two and a half years.

9 BOARD MEMBER EATON: So my next question is,
10 because you know I'm leading somewhere, why then if much
11 of the waste is going out of the county, do you need
12 almost a three or four fold increase in the daily
13 tonnage --

14 MR. MONACO: We wanted --

15 BOARD MEMBER EATON: -- for the new permit?

16 MR. MONACO: Is that a question to my, sir?

17 BOARD MEMBER EATON: Yeah, I mean, you can see
18 where I -- I understand you've got a problem. There two
19 cells. You're trying to get one closed so that you can
20 open up the other one to solve another problem. For me
21 the question that I have is that I can understand that and
22 work with you and I think Mr. Paparian's question about
23 organic versus nonorganic is an important issue,
24 especially in light of the fact that there may be times
25 until you're able to get the new site open that you're

1 going to have to have some residual organics.

2 The question that I have is if you know that, why
3 can't that be a condition of the permit? And more so, why
4 then if you've got so much waste going out of the county
5 and I'm familiar with the county as you well now, do we
6 have such an inordinate amount of increase of tonnage for
7 the new site. That would seem to go against what we're
8 trying to do in terms of recycling.

9 MR. MONACO: If I may, the design criteria for
10 the project, at one time the regional landfill for Tulare
11 County was to be the Woodbill Landfill, which was to meet
12 the disposal capacity needs that are identified as being
13 required in the siting element.

14 So we designed the design criteria for the
15 facility given the problems that we're having with the
16 Woodbill expansion namely the review of the habitat
17 conservation plan by Fish and Wildlife. We had to
18 incorporate in our design criteria the ability to
19 accommodate the entire county waste stream for a minimum
20 of 15 years, so that was our criteria going in.

21 BOARD MEMBER EATON: So this will be the main
22 disposal site?

23 MR. MONACO: The delays with the Woodbill
24 Landfill we had to come up with a plan. It's becoming
25 critical in Tulare County, so that's why we have designed

1 it that way.

2 BOARD MEMBER EATON: Because that wasn't clear in
3 the workup, that there was more of a consolidation going
4 on, and therefore it would have been the account for the
5 increase.

6 MR. MONACO: Right. And then if I may also in
7 regards to the material on the existing unit, there have
8 been workplans submitted and deemed appropriate by the
9 regional water quality control board that include an
10 evaluation of a threat to the neighboring dairy and an
11 evaluation monitoring plan and the interim corrective
12 action.

13 The regional board, in my opinion, they're
14 somewhat anxious to review the -- or revise the waste
15 discharge requirements if this permit were approved. And
16 the interim corrective action will be a pump and treat on
17 the west boundary of the landfill that will treat the
18 water in the same manner regardless of the type of waste
19 that ends up building our existing unit to closure.

20 BOARD MEMBER EATON: Thank you Madam, Chair,
21 that's all the questions I have.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
23 Eaton.

24 Mr. Jones.

25 BOARD MEMBER JONES: Madam Chair, I would like to

1 move adoption of resolution 2001-416 revised,
2 consideration of a revised solid waste facility permit for
3 the Visalia Disposal Site in Tulare County.

4 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

5 BOARD MEMBER MEDINA: Yes Madam Chair, I'd like
6 to second that resolution.

7 CHAIRPERSON MOULTON-PATTERSON: Okay, we have a
8 motion by Mr. Jones seconded by Mr. Medina to approve
9 Resolution 2001-416, revised.

10 Please call the roll.

11 SECRETARY FARRELL: Eaton?

12 BOARD MEMBER EATON: Aye.

13 SECRETARY FARRELL: Jones?

14 BOARD MEMBER JONES: Ayes.

15 SECRETARY FARRELL: Medina?

16 BOARD MEMBER MEDINA: Aye.

17 SECRETARY FARRELL: Paparian?

18 BOARD MEMBER PAPARIAN: Abstain.

19 SECRETARY FARRELL: Roberti?

20 BOARD MEMBER ROBERTI: Abstain.

21 SECRETARY FARRELL: Moulton-Patterson?

22 CHAIRPERSON MOULTON-PATTERSON: Aye.

23 Motion passes. I'd like to call a 15 minute
24 break at this time.

25 (Thereupon a brief recess was taken.)

1 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
2 the meeting back to order and we're on item number 4.

3 Ex partes, thank you.

4 Mr. Eaton.

5 BOARD MEMBER EATON: Yes, Madam Chair. I think I
6 received a letter regarding Item 9 from Santa Monica
7 Baykeeper, a letter addressed to me from Steve Fleischli,
8 that's F-l-e-i-s-c-h-l-i, executive director, regarding
9 Item 9. I also had a brief conversation with George
10 Larson regarding plastics and tires, and a brief
11 conversation with Mark Aprea regarding the Alternative
12 Daily Cover.

13 Thank you.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
15 Eaton.

16 Mr. Jones.

17 BOARD MEMBER JONES: No. All my discussions were
18 just cordial pleasant ones.

19 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

20 BOARD MEMBER MEDINA: I received the same
21 correspondence from Baykeeper that Mr. Eaton reported on.

22 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

23 BOARD MEMBER PAPARIAN: I think we all received
24 that same letter.

25 CHAIRPERSON MOULTON-PATTERSON: So Mr. Eaton

1 reported it for all of us.

2 BOARD MEMBER PAPARIAN: Then I also had a very
3 brief conversation with Grace Chan of the LA San District
4 regarding their upcoming household electronic waste
5 collection event on Saturday October 27th from 9:00 to
6 3:00 in Whittier.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Paparian.

9 Senator Roberti.

10 BOARD MEMBER ROBERTI: No ex partes.

11 CHAIRPERSON MOULTON-PATTERSON: And I spoke with
12 no one.

13 So we'll go onto Item 4.

14 DEPUTY DIRECTOR NAUMAN: Item 4 is Consideration
15 of a Revised Solid Waste Facility Permit for the Covanta
16 Facility in Stanislaus County lay. This will be presented
17 by Susan Markie, who is with our Enforcement Agency staff
18 of the Permitting and Enforcement Division.

19 CHAIRPERSON MOULTON-PATTERSON: Good morning.

20 MS. MARKIE: Good Morning, Madam Chair and Board
21 Members. The Covanta facility was last permitted in 1997
22 under the name Ogden Martin Systems of Stanislaus. The
23 land is owned by Stanislaus County and the facility is
24 owned by Covanta Facility.

25 This facility serves the county of Stanislaus.

1 In effect, all the trash that comes into the transfer
2 stations throughout the county are then transferred in the
3 large transfer trucks back to this firm. The California
4 Integrated Waste Management Board also serves as the
5 enforcement agency for Stanislaus County.

6 The proposed revised permit allows for two
7 changes. First, the name from Ogden Martin Systems to
8 Covanta Stanislaus Inc. And the second change is increase
9 in the hours of waste received. Now, currently this
10 permit -- the facility is permitted to operate 24 hours a
11 day. However, they only allow waste received from 6:00
12 a.m. to 6:00 p.m. Monday through Saturday and Sundays by
13 invitation.

14 This change would allow them to allow the haulers
15 to access the site from 4:00 a.m. seven days a week. Now
16 what this will do is it will prevent the backlog of the
17 transfer trucks at the gate waiting for county staff to
18 come in at 6:00 o'clock in the morning. The county was
19 able to do that because they own and operate the Pinkford
20 Landfill which operates the gate system which the Covanta
21 facility also uses.

22 This proposed hour change does not pose any
23 operational changes to either facility. There have been
24 no violations of State minimum standards for over four
25 years. Board staff has determined that all requirements

1 for the proposed permit have been fulfilled.

2 In conclusion, staff recommends that the Board
3 adopt Board Resolution number 2001-419 concurring with the
4 issuance of solid waste facility permit number 50-AA-0009.

5 This concludes staff's presentation and I would
6 be happy to answer any questions you may have.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Mr. Paparian.

9 BOARD MEMBER PAPARIAN: The question I had is the
10 same one I had at the briefing, with regards to what
11 happens in terms of the load checking that early in the
12 morning, are they going to have someone -- the trucks come
13 true the gates with a card key at 4:00 a.m., do they
14 unload?

15 MS. MARKIE: The transfer trucks come from each
16 transfer station within the county, so they've already
17 been load checked at each transfer station and typically
18 these trucks accessing at 4:00 a.m. are the ones that are
19 full at the end of the day that can't make it by the 6:00
20 p.m. time, so they're waiting in the morning, and then
21 they're getting to the gate early and they're just waiting
22 to get in. There is someone on the Covanta site 24 hours
23 a day, as they are operating and there are people at the
24 tipping floor, but the majority of the load checks occurs
25 at the transfer stations.

1 BOARD MEMBER PAPARIAN: Thank you.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
3 Paparian.

4 Mr. Jones.

5 BOARD MEMBER JONES: Madam Chair, I'd like to
6 move adoption of Resolution 2001-419, consideration of a
7 revised solid waste facility permit for the Covanta
8 Stanislaus Incorporated Stanislaus County Facility.

9 CHAIRPERSON MOULTON-PATTERSON: We have a motion
10 by Mr. Jones.

11 BOARD MEMBER MEDINA: Madam Chair, I would like
12 to second the motion and also make recognition of their
13 good compliance history.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you.
15 Motion by Mr. Jones seconded by Mr. Medina to approve
16 Resolution 2001-419, revised.

17 Please call the roll.

18 SECRETARY FARRELL: Eaton?

19 BOARD MEMBER EATON: Aye.

20 SECRETARY FARRELL: Jones?

21 BOARD MEMBER JONES: Aye.

22 SECRETARY FARRELL: Medina?

23 BOARD MEMBER MEDINA: Aye.

24 SECRETARY FARRELL: Paparian?

25 BOARD MEMBER PAPARIAN: Aye.

1 SECRETARY FARRELL: Roberti?

2 BOARD MEMBER ROBERTI: Aye.

3 SECRETARY FARRELL: Moulton-Patterson?

4 CHAIRPERSON MOULTON-PATTERSON: Aye.

5 Item number 4.

6 Thank you.

7 DEPUTY DIRECTOR NAUMAN: Item number 5 is
8 consideration of a revised solid waste facility permit for
9 West Valley Material Recovery Facility located in San
10 Bernardino County. Dianne Ohiosumua will make the
11 presentation.

12 MS. OHIOSUMUA: Good morning, Madam Chair and
13 Members of the Board. I along with Christopher Revinstein
14 of San Bernardino County Local Enforcement Agency will be
15 discussing Agenda Item Number 5 today, Consideration of a
16 Revised Solid Waste Facility Permit for the West Valley
17 Material Recovery Facility Located in San Bernardino
18 County.

19 The proposed permit is to allow the increase in
20 maximum tonnage and increase in design capacity. At this
21 time, staff will recommend that the Board adopt permit
22 decision number 2001-417 concurring with the issuance of
23 the solid waste facility permit number 36-AA-0341 for the
24 West Valley Material Recovery Facility.

25 Representatives from the West Valley Material

1 Recovery Facility and the LEA are also in the audience
2 available to answer any questions you may have.

3 That concludes staff presentation.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 Questions, comments?

6 Mr. Jones.

7 BOARD MEMBER JONES: Madam Chair, I'll move
8 adoption of Resolution 2001-417, Consideration of a
9 revised solid waste facility permit for the West Valley
10 Material Recovery Facility in San Bernardino County.

11 BOARD MEMBER MEDINA: I'd like to second that
12 resolution and again make note of the good Compliance
13 history for this facility.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
15 Jones and Mr. Medina for a motion by Mr. Jones seconded by
16 Mr. Medina to approve Resolution 2001-417.

17 Please call the roll.

18 SECRETARY FARRELL: Eaton?

19 BOARD MEMBER EATON: Aye.

20 SECRETARY FARRELL: Jones?

21 BOARD MEMBER JONES: Aye.

22 SECRETARY FARRELL: Medina?

23 BOARD MEMBER MEDINA: Aye.

24 SECRETARY FARRELL: Paparian?

25 BOARD MEMBER PAPARIAN: Aye.

1 SECRETARY FARRELL: Roberti?

2 BOARD MEMBER ROBERTI: Aye.

3 SECRETARY FARRELL: Moulton-Patterson?

4 CHAIRPERSON MOULTON-PATTERSON: Aye.

5 Thank you. Motion approved.

6 Number 6.

7 DEPUTY DIRECTOR NAUMAN: Consideration of a new
8 standardized solid waste facility permit for Central
9 Compost Site located in Sonoma County.

10 Mark De Bie will make the presentation.

11 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
12 I'd like to take a moment just to review for the Board the
13 process relative to standardized permits and what's
14 necessary when changes occur in operations at these
15 facilities. There's two ways that a standardized permit
16 can be updated.

17 First of all, let me back up one step is that
18 like every other permit, the permit needs to be reviewed
19 at least every five years in the course of that review, if
20 it's determined that no changes has occurred, the operator
21 is able to certify that and the permit is able to come
22 forward to be updated. There is no mechanism to revise a
23 standardized permit that needs to be -- a new permit needs
24 to be issued.

25 If during the course of a five-year permit review

1 it's indicated that changes have occurred, then the
2 operator needs to submit information, supporting
3 information, relative to that to support, again, an
4 updating or issuance of a new standardized permit. And
5 that's the case with the compost facility in Sonoma. The
6 operator has adjusted some site capacity figures as well
7 as operating hours.

8 Board staff have reviewed the packet. Erica
9 Weber is in the Permitting and Inspection Branch has
10 completed the review and found that it's complete and
11 we're able to make all of the required findings and so we
12 would recommend the Board concur on the issuance of this
13 new standardized permit.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr. De
15 Bie.

16 Questions, comments?

17 Mr. Jones.

18 BOARD MEMBER JONES: Thank you, Madam Chair.
19 I'll move adoption of Resolution 2001-412, consideration
20 of a revised solid waste facility permit for the Central
21 Compost Site in Sonoma County.

22 BOARD MEMBER MEDINA: I'd like to second the
23 resolution.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you.
25 Motion by Mr. Jones seconded by Mr. Medina to approve

1 resolution 2001-412 revised.

2 Please call the roll.

3 SECRETARY FARRELL: Eaton?

4 BOARD MEMBER EATON: Aye.

5 SECRETARY FARRELL: Jones?

6 BOARD MEMBER JONES: Aye.

7 SECRETARY FARRELL: Medina?

8 BOARD MEMBER MEDINA: Aye.

9 SECRETARY FARRELL: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 SECRETARY FARRELL: Roberti?

12 BOARD MEMBER ROBERTI: Aye.

13 SECRETARY FARRELL: Moulton-Patterson?

14 CHAIRPERSON MOULTON-PATTERSON: Aye.

15 Item number 7.

16 DEPUTY DIRECTOR NAUMAN: Item 7 is consideration

17 of a standardized composting permit for Tulare County

18 Compost and Biomass Inc. located in Tulare County.

19 Keith Kennedy will make the presentation.

20 MR. KENNEDY: Good morning, again, Madam Chair

21 and Board Members. The Tulare County Compost and Biomass

22 facility began operation in 1994. At the time the permit

23 was issued the Board did not have a tiered permitting

24 framework in place for composting facilities. During the

25 past several years, this private facility has changed and

1 expanded operations, and is now required to update their
2 solid waste facility permit.

3 The facility wishes to apply for a standardized
4 permit under the current tiered framework. The proposed
5 standardized permit allows for the following three major
6 changes: An increase in the permitted incoming tons from
7 225 tons per day to 500 tons per day; an increase in the
8 permitted vehicular traffic from 30 vehicles per day to 85
9 vehicles per day, with the annual average incoming truck
10 traffic not to exceed 50 incoming trucks per day; a
11 decrease in hours of operation from Monday through
12 Saturday 7:00 a.m. to 5:00 p.m. to Monday through Friday
13 7:00 a.m. to 4:30 p.m. and Saturday 8:00 a.m. to 4:00 p.m.

14 In order to meet the increasing volume of green
15 and water waste being collected in Tulare County due to AB
16 939, the facility is asking for this increase in their
17 incoming tonnage and vehicular traffic.

18 There have been no violations of state minimum
19 standards over the past 12 months at the Tulare County
20 Composting Biomass Facility. Board staff have determined
21 that all the requirements for the standardized permit have
22 been fulfilled.

23 In conclusion, staff recommends that the Board
24 adopt Board Resolution number 2001-415 concurring with the
25 issuance of solid waste facility permit number 54-AA-0026.

1 This concludes staff's presentation. John Jones, the
2 manager of the Tulare County Compost and Biomass facility
3 is available for questions and I'd also be happy to answer
4 any questions.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.
6 Mr. Eaton.

7 BOARD MEMBER EATON: Thanks, Madam Chair. One
8 Will be a comment, the other one a question. So first for
9 the comment, general comment. It only pertains to the
10 permit in the sense that if you will look, board members,
11 on page 7-3, the last paragraph under Findings it talks
12 about, "At the time this item was prepared, the Board had
13 not received the proposed permit package..." And "Pending
14 review, staff will be able to inform the Board if the LEA
15 found the permit package complete..."

16 Now, this standardized permit requires us to find
17 it within 30 days, unlike the other permits, but I find it
18 somewhat hard for us to do our job if we don't have a
19 permit in front of us or a package that's deemed complete.
20 So my point is hopefully if we look legislatively this
21 will be one of the arenas wherein we don't have any
22 ability to deem a package unacceptable, and yet we are
23 scheduling permits for hearing before this Board before
24 there's even a permit package to the Board, at least as
25 I'm hearing.

1 And I think it increases the workload both at a
2 staff level as well as our level. And in this instance
3 while there may not have been a violation of state minimum
4 standards, there have been at least according to the item
5 as written, seven violations of terms and conditions, and
6 yet this was before we even got a permit package to be
7 able to look at it.

8 My point is, is that we've talked, and the Audit
9 Report talked in terms of being able to find information
10 out ahead of time. And I don't believe, at least right
11 now, that we are in a position to be able to judge some of
12 these permits if we are able to, first, schedule a hearing
13 on these before we have a permit package without knowing.
14 I know there's some discussions that take place before,
15 but this is a classic example of where the Board gets
16 jammed on a permit long before it's time.

17 And I would like to see us, at least in our
18 legislative discussions or agenda, discuss with
19 stakeholders, of course, the issue that we as a board will
20 not accept or schedule and have the legal authority to do
21 so legislatively to reject any permit that we deem not
22 complete, especially where we have a situation where there
23 was an increasing number of violations in the terms and
24 conditions wherein had they not been cited, we'd probably
25 never had it brought to us. And that may have been an

1 issue in terms of determining the votes. So that's really
2 more of a comment.

3 CHAIRPERSON MOULTON-PATTERSON: Just before you
4 go on, Mr. Eaton, I totally agree, and I liked to see
5 this -- you know, I don't want this to fall through the
6 cracks. This should be addressed Legislatively and I
7 appreciate you bringing that up, because I, too, have
8 felt, you know, really jammed on a time limit, so thank
9 you for bringing that and up please continue.

10 BOARD MEMBER EATON: So that was it. And with
11 regard to the permit itself, what the -- were all of the
12 violations for an increase in unpermitted tonnage for this
13 or were there others as well?

14 MR. KENNEDY: I believe it was for unpermitted
15 tonnage and traffic.

16 BOARD MEMBER EATON: So those were the only two.

17 MR. KENNEDY: As far as I know, yes.

18 BOARD MEMBER EATON: Thank you, Madam Chair.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you.
20 Mr. Paparian.

21 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
22 I think Mr. Eaton made some excellent points. I'd like to
23 ask our counsel, do we have some flexibility in terms of
24 what qualifies for a standardized permit and what doesn't
25 qualify for a standardized permit, or is that just set in

1 statute?

2 The question Mr. Eaton raised related to the 30
3 day time limit for us to review a standardized permit.

4 CHIEF COUNSEL TOBIAS: I think Mr. De Bie is
5 going to answer that first.

6 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
7 During the course of developing the tiered structure that
8 got incorporated in Regulation not in statute, the Board
9 determined that various levels of tiers would have various
10 levels of review and process, relative to the standardized
11 permit it was determined that a 30-day time period for the
12 Board to concur on was appropriate, and that therefore was
13 incorporated in regulation.

14 So if the Board wishes to reconsider that sort of
15 timing, it can be done through a regulatory change and it
16 might not require a statutory change.

17 Relative to statements that Mr. Eaton was making,
18 what I was hearing is a broader issue that would be
19 relative to all types of permits, in terms of those
20 situations in which we get incomplete packages and are
21 still required to process them within the time frame, be
22 it 60 days or 30 days.

23 But relative to a standardized permit, 30 days is
24 in reg and could be adjusted through a regulatory shift.

25 CHIEF COUNSEL TOBIAS: May I just add to that,

1 the point of the standardized permit was to have a permit
2 that moved faster, to encourage people who fit into that
3 category to submit all their material and do it, so that
4 was the rationale behind the shorter time period.

5 BOARD MEMBER PAPARIAN: I can understand for a
6 lot of situations, but when you do have violations, it
7 does raise the question about whether it should get some
8 additional scrutiny or not. And we may want to focus on
9 whether there are situations where they should fallout of
10 the standardized permit, if, for example, they had a
11 certain number of violations over the past period of time.

12 CHIEF COUNSEL TOBIAS: That's certainly something
13 we can look at.

14 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

15 BOARD MEMBER EATON: Yes. Thank you, Madam
16 Chair. Let me frame it this way, in this case there was
17 no permit package at all. The question is what triggers
18 the 30 days, if either of you can give us at the Board an
19 answer to that. Is it the date that we receive the
20 package or is it the date that the LEA, through his or her
21 proclamation deems it complete? How is that for being
22 diplomatic.

23 CHAIRPERSON MOULTON-PATTERSON: Well, certainly,
24 in my opinion, it should be when we receive the completed
25 packet.

1 BOARD MEMBER EATON: But what is the answer.

2 CHAIRPERSON MOULTON-PATTERSON: Yeah.

3 MR. KENNEDY: It's the date we physically receive
4 the packet at the Waste Board.

5 CHAIRPERSON MOULTON-PATTERSON: The completed
6 packet.

7 MR. KENNEDY: The completed packet. The
8 secretary stamps it in.

9 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
10 I'll agree with Keith is that's what starts the time
11 frame, actually it's laid out in reg and it's described as
12 when the envelope is opened is part of the regulatory
13 description of the proposed permit. And it has been
14 traditionally viewed that the permit is just that, it is
15 the proposed permit the four, five, six, seven pages. It
16 does not include all of the supporting documentation for
17 that proposed permit. The term package is not in the time
18 frame in regulation.

19 Just to clarify a little bit on this standardized
20 permit, the reason why this item was scheduled for this
21 Board meeting prior to receiving the proposed permit is if
22 we didn't do that, the next opportunity to bring this in
23 front of the Board would be in November, which would be
24 beyond the 30 day time frame. So the LEA Gave us a heads
25 up and told us that this permit was coming so that we

1 could prepare an item to bring it forward to the Board, so
2 that when it was actually in front of us, we could have
3 the Board act on it within that 30-day time frame.

4 If we waited for the permit to arrive, we would
5 probably miss the time frames involved with developing a
6 permit item to bring to the Board, and would be confronted
7 with how to publicly notice the item, and those sorts of
8 issues. So there's a balance act with these standardized
9 permits in scheduling board meetings and scheduling of
10 permits.

11 BOARD MEMBER EATON: But when was this received?
12 See that's what caught my attention, Mark, was the fact
13 that the time this item was prepared, so we have it
14 already written, but we haven't received it. Now, this
15 just happens to be one of those months, according to my
16 calendar, wherein, I think, we have two board meetings
17 that are fairly close in time. And I think there may be
18 another one in the future.

19 So I don't even -- there aren't even 30 days in
20 between board meetings is my understanding. So if we
21 haven't received anything -- I'm just trying to get a time
22 frame here.

23 MR. KENNEDY: I believe it was received September
24 24th.

25 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:

1 And we were writing the item, I believe, a week or two
2 before that to get it on this agenda item. And an aspect
3 of that was because of the briefing being a bit early and
4 again dealing with the public notice aspect.

5 BOARD MEMBER EATON: Okay.

6 CHIEF COUNSEL TOBIAS: The Board, in the past,
7 has talked a number of times about these particular
8 issues. There are other ways to do it, one is simply to
9 schedule board meetings more often, and when we know
10 there's a permit coming in to have perhaps a shortened
11 agenda, but I think that's kind of not preferable. It
12 makes for a pretty choppy schedule both for board and
13 staff to be doing that on kind of an interim basis as we
14 go along.

15 We've talked about developing a board calendar
16 over time, which would basically set dates by which an
17 application has to be received. And if it's not received
18 by that date for that board meeting, it would then flip
19 over to the next one. We would have to do regs on that,
20 but nevertheless that's one option.

21 We've certainly talked about legislative
22 approaches on this dealing with a completeness issue, so I
23 think it's something that legal has been working on over
24 the last couple of years. There's not a lot of really
25 good answers. And it's something that, I think, Julie's

1 section has also been working with the LEA's on to
2 basically try to explain the problems it causes when it
3 comes up to the Board level and causes these very short
4 turn around for these permits.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr. Jones
6 wants to speak and I think we want to move on, but I
7 think, you know, I just personally don't want to be pushed
8 up against a time limit, when we have incomplete -- it's
9 not fair to staff and it's not fair to us. And so
10 whatever we have to do, we can discuss this.

11 Mr. Jones.

12 BOARD MEMBER JONES: Thanks, Madam Chair. We
13 have had an awful lot of discussions about this. And I
14 don't remember why, but I know we had talked one time
15 about setting up a calendar and working with the LEAs that
16 we would only accept packages in a two or three day window
17 or it was one of the ideas that came up and it never
18 really got explored all the way through, I don't think,
19 where you set up a calendar and you said we will only
20 accept these packages in this two or three day window for
21 this Board meeting.

22 And if you're not going to make it by that, then
23 plan on submitting it for the next board meeting. And I
24 know it was one of the discussions we had a couple of
25 years ago, but I don't remember why or if it just kind of

1 fell through the cracks or what the issue was. But I
2 think that even most of the stakeholders understood that,
3 you know, there were times when we were getting permits 15
4 days before a Board meeting and getting jammed on the
5 30-day clock. And I still, to this day, do not understand
6 why we can't have an acceptance calendar and work through
7 the LEAs that says this is when we will accept it.

8 And if you don't make that deadline, then you're
9 going to have talk to the proponent of the permit, and
10 tell them that it either has to be in by that day or it
11 won't be submitted until another three day window for the
12 next board meeting.

13 So I'd really like to see us really think that
14 through and see if we can do it legally through regs
15 because I know the idea has come up three or four times,
16 but I've never seen it put all the way through the
17 process.

18 CHAIRPERSON MOULTON-PATTERSON: I was just going
19 to say to Mr. Leary, you and your staff come back to us,
20 because I also remember it coming up a few times.

21 DEPUTY DIRECTOR NAUMAN: Madam Chair, I would
22 suggest based on this discussion, that you give us some
23 time to work with the LEAs, particularly through CCDEH and
24 their policy committee to re-energize the discussion, if
25 you will, about the dilemma that we face, because I know

1 there is a lot of frustration for all involved. So we
2 will take your direction and report back to you shortly.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
4 Nauman.

5 Mr. Jones.

6 BOARD MEMBER JONES: Madam Chair, I'm going to
7 move adoption of resolution 2001-415, revised,
8 consideration of a standardized composting permit for
9 Tulare County Compost and Biomass Incorporated in Tulare
10 County.

11 BOARD MEMBER MEDINA: I'd like to second that
12 resolution, Madam Chair.

13 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.
14 Jones seconded by Mr. Medina to approve Resolution
15 2001-415, revised.

16 Please call the roll.

17 SECRETARY FARRELL: Eaton?

18 BOARD MEMBER EATON: Aye.

19 SECRETARY FARRELL: Jones?

20 BOARD MEMBER JONES: Aye.

21 SECRETARY FARRELL: Medina?

22 BOARD MEMBER MEDINA: Aye.

23 SECRETARY FARRELL: Paparian?

24 BOARD MEMBER PAPARIAN: Aye.

25 SECRETARY FARRELL: Roberti?

1 BOARD MEMBER ROBERTI: Aye.

2 SECRETARY FARRELL: Moulton-Patterson?

3 CHAIRPERSON MOULTON-PATTERSON: Aye.

4 Next, we have a semi-annual update and
5 publication of the inventory of solid waste facilities
6 violating state minimum standards.

7 DEPUTY DIRECTOR NAUMAN: Thank you, Madam Chair.
8 To introduce this item, I'll just turn it over to Mark.
9 There were a number of questions that were raised at the
10 briefing we are prepared to respond to those during this
11 time, so I'll give it to Mark.

12 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
13 Let me get comfortable, since this may take awhile to give
14 you all of the updates. When this item was put together,
15 sort of mid-September there were some outstanding
16 compliance issues that the LEA was dealing with with the
17 operator and we were communicating with the LEA relative
18 to direction and assistance. And since the item was put
19 together, we have seen some movement with the LEAs to
20 address the compliance issues that place these facilities
21 on the inventory.

22 And as Julie indicated, the Board had specific
23 questions about a number of them, so what I'd like to do
24 is provide the Board a verbal update on what we've seen
25 occurring relative to the facilities they've inquired

1 about. And one of the facilities has sort of presented a
2 policy question that I'd like to provide to the Board and
3 seek some direction relative to what staff is viewing as
4 fine tuning some of the policy in and around the
5 inventory.

6 Let me first off remind the Board that the Board
7 has reviewed the inventory process, independent of the
8 audit I might say, on their own inclination, and had
9 directed the Board to do a series of workshops, which were
10 completed and we presented the results of those workshops
11 to the Board. And based on that, the Board did direct
12 staff to begin development of regulations relative to the
13 inventory.

14 Right now, the inventory process is -- frame work
15 is just in board policy and direction. So staff is in the
16 process of developing those regulations. And to save
17 money and be efficient, we are trying to schedule
18 workshops to coincide with other regulatory projects that
19 are already in place, so we expect to have at least a
20 series of workshops looking at draft regulations in the
21 next month or so relative to the inventory.

22 But back to this publication of the inventory.
23 One of the sites on the inventory is the Amador Landfill
24 Site, which has been on the inventory for awhile and is on
25 the inventory because the operator has failed to comply

1 with the requirement to have a current reported disposal
2 site information on file with the LEA.

3 Since this item was put together, we have
4 information from the LEA that indeed the operator has
5 submitted a report of disposal site information. However,
6 the LEA is reviewing that RDSI to determine if it's
7 complete.

8 If the LEA determines that it is complete,
9 they'll be able to find the operator in compliance with
10 the requirement of having a complete and correct RDSI on
11 file, and then we'll determine whether or not it's
12 necessary to process a reported facility information
13 amendment to approve that or to require a full revision to
14 the permit to approve any of those changes that have been
15 documented in that RDSI.

16 The LEA is in their 30 day review of that
17 reported disposal site and information at this date. And
18 we expect them to complete that in the next week or two
19 and make a determination. If they determine that the RDSI
20 is incomplete, they will pursue additional enforcement
21 action to require the operator to change that RDSI, amend
22 that RDSI to make it correct. There is no compliance
23 schedule issued by the LEA for this facility at this time.
24 And the rational being that the operator has submitted the
25 required documentation and the LEA is in a review process

1 to determine if it's complete.

2 And, again, if it is incomplete, they will
3 require the operator to take further actions and that will
4 be in the form of a notice and order.

5 I'd like to update the Cummings Road situation in
6 Humboldt County. There was a previous compliance schedule
7 issued by the LEA that had a final compliance date earlier
8 this month. Information from the LEA is that the operator
9 has fulfilled all the requirements in that compliance
10 schedule, they've met that schedule, and so the LEA has
11 deemed that schedule to be complete.

12 However, through the course of taking the steps
13 that were required to bring this site into compliance, and
14 the issue here is gas, the operator discovered that
15 additional steps were necessary to do additional
16 monitoring, and installing additional wells. The
17 operators submitted a schedule to complete those
18 additional tasks that were determined necessary to the
19 LEA, and the LEA accepted those -- that schedule and
20 milestones incorporated in that schedule, and is working
21 with the operator to move through those steps.

22 The last compliance date, the last milestone that
23 needs to be accomplished in that submitted compliance
24 schedule is October 29th. So on October 29th, we will
25 expect a determination from the LEA that either this

1 facility is in compliance or that they are not in
2 compliance. And if they are not, then the LEA will be
3 asked to take additional enforcement action to require the
4 operator to take additional steps to bring them into
5 compliance.

6 The next facility I wanted to review for you is
7 the Brand Park Disposal Site in Los Angeles county. And
8 this is also on the inventory because of a gas issue.

9 Since this item was put together, the LEA has
10 sent the operator a compliance schedule, and that was
11 dated September 25th. And it indicated the steps
12 necessary for the operator to take to come into compliance
13 with the gas requirement, and indicated that the operator
14 was required to take all those steps within 30 days of
15 receipt of the compliance schedule. So that would be
16 approximately October 25th, depending on how long it took
17 for the schedule to arrive at the operator's office
18 through the mail, but plus or minus or probably plus a day
19 or two, so in and around October 25th.

20 If the facility is still out of compliance on the
21 25th after completing those required steps, then the LEA
22 will be asked or advised from board staff to take
23 additional enforcement action to require the operator to
24 take additional steps to bring them into compliance.

25 The next facility in line here, I'm just going

1 through the agenda item in the Attachment 3, I should have
2 noted that previously, is the Bradley landfill. I'd like
3 to skip that one and leave it to the end, because that one
4 is the facility that contains this policy question that
5 staff would like to describe for you and then ask some
6 direction on.

7 So I'd like to then skip to the Pumice Valley
8 Landfill in Mono County. This facility is on the
9 inventory because of a grading issue. The LEA issued a
10 notice and order to the facility indicating that they were
11 required to come into compliance with the grading
12 requirement by December of 2004.

13 We've queried the LEA relative to the extended
14 compliance date for this site, asking if there were
15 extending circumstances beyond the control of the LEA or
16 the operator that would require a number of years to bring
17 the facility into compliance. The LEA was unable to
18 identify any reasons out of their control as well as out
19 of the operator's control for not being able to come into
20 compliance and requiring that period of time.

21 The only issue that the LEA could identify for us
22 is that they were investing a majority of their resources
23 in revising a number of permits within the jurisdiction
24 and spending a lot of staff time doing that, and were
25 unable to spend the staff resources needed to continue

1 working with the operator to address this grading issue.

2 It's staff's assessment from visiting the site
3 and reviewing the site and as well as discussing with the
4 LEA that it should be possible to rectify this grading
5 issue within a number of days, maybe a week at the most,
6 if the operator was able to provide adequate manpower as
7 well as equipment to the site.

8 So there are no issues relative to needing to
9 bring portions of the landfill up to grade with waste and
10 the time required to do that, that this area could be
11 regraded and meet the requirement in a number of days
12 utilizing existing resources.

13 The next facility that had some ongoing issues
14 when this item was prepared is the teapot dome disposal
15 site in Tulare County. And when this item was put
16 together, the LEA was in between enforcement orders. One
17 had been complied with by the operator, and the LEA was in
18 the process of writing a second order to require
19 additional steps for the operator to take to bring them
20 into full compliance.

21 The LEA did issue that order, that second order
22 on the 11th of this month and requires the operator to
23 complete all of the required tasks to bring them into
24 compliance with the gas standard, no later than September
25 30th of 2002. So there is a current notice and order for

1 the Teapot Dome Site, at this time, issued by the LEA.

2 And then back to the Bradley Landfill site. This
3 site was included on the inventory on a gas issue. And
4 since this item was put together, we have information from
5 the LEA that they were able to determine that the site is
6 in compliance with the gas standard as of September 28th,
7 and that's been confirmed by the operator's records, too.

8 However, the LEA, to address this issue, issued a
9 notice and order that required the operator to come into
10 compliance, date certain, October 5th, which they met that
11 dated, but then to demonstrate continued compliance for an
12 additional 90 days after reaching compliance.

13 And the LEA has requested informally, be it, that
14 the Board consider keeping this facility on the inventory
15 for an additional period of time while they demonstrate
16 that they're able to remain in compliance.

17 And that brings up the policy question that staff
18 would like to bring to the Board. In the past, the way
19 the inventory has worked is that a facility, once they're
20 on the inventory, as soon as Board staff gets information
21 that they are in compliance and that typically is in the
22 form of an LEA inspection report, it could also be through
23 a staff inspection, but once we have information that they
24 are in compliance, we begin the process of removing them
25 off of the inventory, so they just need to demonstrate

1 compliance, date certain, time certain. And then once
2 they're shown in compliance, they're taken off the
3 inventory.

4 In this situation, there has been some compliance
5 history at this site having a fluctuating issue with gas,
6 sometimes they're in compliance sometimes they're out for
7 a few months, a few inspection reports, and then they're
8 back into compliance.

9 And so it's our belief that the LEA included this
10 90-day requirement in their notice and order, you know,
11 realizing that they have had some fluctuation in their
12 compliance history, and so they wanted to be able to have
13 a stable compliance history before rescinding their notice
14 and order, and so that's the way they wrote the notice and
15 order.

16 The inventory process, however, is a process that
17 is conducted by State staff. It's independent of what the
18 LEA does or doesn't do relative to their notice and order.
19 So it's decision that this Board can make whether a
20 facility goes on the facility or comes off the facility
21 and it's independent of an LEA determination. We use
22 their determination through their inspections as
23 information to make our decision on which facilities to
24 add or take off, but it's not viewed as the LEA's choice
25 on whether a facility goes on or comes off of the

1 inventory. It's a board function entirely.

2 So just to maybe restate the policy question is,
3 if you have a situation where a facility is in compliance
4 with the standard, but the LEA has requested that the site
5 stay on the inventory for a period of time, in order to
6 demonstrate continued compliance, should the facility be
7 taken off or should it stay on?

8 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

9 BOARD MEMBER ROBERTI: So what is before us right
10 now?

11 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
12 There is no decision needed by the Board relative to this.
13 And I'm proposing this policy question just for an
14 opportunity for the Board to give staff direction on their
15 wish to address this situation. If the Board feels that
16 this is a significant policy shift, certainly we can come
17 back with a formal item and address it.

18 In the policy for the interim, we're certainly,
19 because we have this awareness of this situation, at least
20 in this case, will be discussing this and addressing this
21 in the regulations as they develop.

22 BOARD MEMBER ROBERTI: Madam Chair.

23 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

24 BOARD MEMBER ROBERTI: I would hope that staff
25 would come back to us with a recommendation on what we do

1 when a facility is in compliance, as to whether we take
2 them off the inventory when they've had a history of
3 violation, can you hear me, and especially when the LEA
4 has made a recommendation to us.

5 So I suspect that this situation we are presented
6 with at Bradley is a somewhat different -- gives us a
7 different fact situation than what we have dealt with in
8 the past where our own rules were established, that they
9 come off the inventory once they're in compliance. The
10 two factors here are new that have to be taken into
11 consideration if I'm hearing you correctly, one is the
12 history of noncompliance. And so obviously the facility
13 wants to come in through their one window of opportunity
14 when they are in compliance, and secondly, the
15 recommendation of the LEA itself.

16 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
17 I agree that those are two factors. The first, I think,
18 we have had facilities in the past that have had a
19 fluctuating compliance history, but we haven't had the LEA
20 request that they continue to demonstrate that on the
21 inventory. So this is not unique for past situations.

22 I think that the key unique aspect is the LEA's
23 request that they remain on. Typically, what we've found
24 is LEAs as well as operators want to get a site off of the
25 inventory as quickly as possible. So it's a bit unique

1 that the LEA has requested that they remain on.

2 BOARD MEMBER ROBERTI: From my own preferences, I
3 would prefer that we have a rule where there is a history
4 of noncompliance, but certainly where the LEA has made the
5 recommendations. So maybe at our next meeting or some
6 appropriate time you could come up with two possibilities
7 for the Board to discuss based on somewhat different fact
8 situations, so whatever the Board chooses to do would be
9 fine, but I think it's an issue that we should visit.

10 CHAIRPERSON MOULTON-PATTERSON: I certainly agree
11 that, you know, if I were to make the decision today, I'd
12 say if the LEA had requested it and it was fluctuating,
13 you know, they should stay on, but if you want to bring it
14 back and discuss it next month, Julie.

15 DEPUTY DIRECTOR NAUMAN: I was just going to
16 suggest that since this is a, you know, a situation that
17 is current right before us and when we have a decision to
18 make whether to publish this inventory with the facility
19 on or without the facility on, that I'm getting the sense
20 from the Board that at least for this time frame you'd
21 prefer to see the facility stay on.

22 And I wanted to clarify that. It's not only that
23 the LEA has made a request that it stay on, but the LEA
24 included that 90-day compliance period as part of the
25 notice and order. So if you were to take the position to

1 direct us to include the facility on the inventory for
2 this current publication, you would be doing that based
3 on, you know, your view that the compliance schedule --
4 notice an order and the compliance schedule originally
5 issued by the LEA envisioned that compliance would be
6 determined to have been achieved after a 90-day continuous
7 compliance period. So that's for clarification.

8 And then clearly we will be coming back to you as
9 we develop the regulation package with other options for
10 dealing with this issue as well as others that have arisen
11 with regard to the inventory.

12 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER JONES: Thanks, Madam Chair. The
14 LEA, if this -- I mean, the fact that the LEA wrote a
15 notice and order that says stay in compliance for 90 days,
16 obviously all facilities are supposed to stay in
17 compliance all the time. This is a gas issue. Is part of
18 the issue with the gas that they're tuning up their system
19 for extraction, that it's a -- is it part of an ongoing
20 exercise to extract gas from their, where they're getting
21 hits of wells, and it fluctuates at different times or
22 have they abandoned the idea and just strictly do
23 monitoring, you know what's the science behind the gas
24 violations?

25 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:

1 My understanding, it's a complicated situation, in that
2 it's taken some time for the operator to get their hands
3 fully around why certain wells are showing up out of
4 compliance at certain times.

5 It's our understanding that this last go around,
6 they've been able to make some determinations on what
7 needs to be done. They're in the process of fine tuning
8 their system. They were able to get the system working to
9 the point where the last hot well was found in compliance
10 late last month.

11 So, you know, our expectation is that they'll
12 continue to be doing what they're doing right now, that
13 seems to be working. And it's just the LEA's wish to have
14 it demonstrated that they're able to, you know, be
15 consistent for at least 90 days.

16 BOARD MEMBER JONES: And I agree with that on the
17 notice and orders, that this be a requirement under the
18 notice and order.

19 But I think under the inventory, the idea of the
20 inventory was to publicize those bad actors, those people
21 that had not tried to comply with State minimum standards.
22 And here you've got a facility that has obviously
23 identified that they have gas at the perimeter, put in a
24 system to extract it. We've had plenty of testimony,
25 Madam Chair and members, over the last year about the

1 fluctuations in gas and how different elements, rain heat,
2 those types of things influence the generation in
3 different areas, they fine tuned it and they got to a
4 pointed where they're in compliance.

5 If they are out of compliance next month and the
6 month after, they get put back on the inventory. So, I
7 mean, I think there is a clear distinction into the
8 requesting of an LEA to say look they're in compliance,
9 but I want to keep them as a bad actor just to make sure.

10 I think they have those tools without putting
11 them -- this inventory is a -- I mean our staff and the
12 people that run these facilities need to take an awful lot
13 of pride in the fact that I've been here almost five
14 years. There were 43 facilities on this inventory list
15 when I first got to this Board. And through the efforts
16 of staff and the Board and the industry whether it public
17 or private, we're down to ten.

18 And I think that that's an incredible
19 achievement, but I have a real problem with the idea that
20 somebody is coming into compliance and we're going to
21 leave them on the bad actor list when they're not out of
22 compliance just to make sure that they continue to do the
23 right thing. So I would be -- I would hope that we would
24 take them off.

25 And if they fail, put them back on. That's what

1 this list is about is putting people on that don't comply,
2 but they're in compliance.

3 CHAIRPERSON MOULTON-PATTERSON: So maybe it would
4 be best to have a fuller discussion since there are
5 differences of opinion when it's noticed.

6 However, we do have one speaker's slip and Mr.
7 George Larson.

8 MR. LARSON: Thank you, Madam Chair. George
9 Larson representing Waste Management and Bradley Landfill.

10 I think this agenda item and this specific
11 discussion on Bradley does raise a broader issue that
12 needs more investigation. However, I'd like to make two
13 issues or two points here if I may.

14 One is, as was stated, specific actions have been
15 taken to address the issue of gas violations at Bradley a
16 new flare installed to attempt to address concentrations
17 of gas that were above the lower explosive limit.

18 So we feel strongly that we've taken affirmative
19 action to address the problem and meet the standards that
20 have been set for the inventory and would request that
21 actions be taken by the Board to remove this facility
22 under the current policy.

23 Now, if this policy, which apparently does
24 deserve additional discussion, results in the change of
25 that policy, then I think that should apply then.

1 The second issue I'd like to raise, which is
2 separate from Bradley is, as you winnow down the list of
3 facilities that are on your own inventory, it's becoming
4 more and more apparent that the plaguing long-term
5 problem, if you will, if I can bring up the long-term
6 violations policy, is that gas tends to be the issue or
7 the area of environmental control that is most plaguing or
8 most difficult for facilities to deal with.

9 And my suggestion is that if the policy
10 discussion is raised about the inventory, that it also
11 include a perspective that will allow the Board and allow
12 the staff to take a look at the long-term gas violation
13 issue with a unique light if you will.

14 Because I think, as you come down from 47, I
15 believe, as Mr. Jones stated to about 10, that's
16 tremendous progress. I think it reflects your diligence
17 on the enforcement side, but it also reflects the
18 diligence of the regulated community to try to bring
19 facilities into compliance and get off the inventory list.

20 So that would be my request in the longer-term
21 policy. But to restate the immediate need, I feel that
22 the policy that exists has been complied with by Bradley
23 and we'd request that actions be taken to take us off the
24 inventory.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.

1 Larson.

2 Any other questions before we move on?

3 BOARD MEMBER PAPARIAN: Madam Chair, I had some
4 unrelated to this issue, but related to the agenda item.
5 But first, I wonder if the LEA is here.

6 CHAIRPERSON MOULTON-PATTERSON: Is the LEA here?

7 BOARD MEMBER PAPARIAN: I guess not.

8 CHAIRPERSON MOULTON-PATTERSON: That's too bad.

9 BOARD MEMBER PAPARIAN: Should I move on to --

10 CHAIRPERSON MOULTON-PATTERSON: Did you still
11 want to go on?

12 BOARD MEMBER PAPARIAN: Do you want to try to
13 resolve this first?

14 CHAIRPERSON MOULTON-PATTERSON: Well, I think we
15 have said that since there are some different thoughts,
16 that it should be brought back next month.

17 DEPUTY DIRECTOR NAUMAN: I'm sensing that the
18 direction is to continue with the policy approach that
19 we've take in the past, that if a facility is in
20 compliance, that it comes off of the inventory. So for
21 purposes of this inventory publication, we would not
22 include Bradley, because they are currently in compliance.
23 And then the issue of whether or not you include them in
24 publication if they are in compliance, at one point in
25 time, but the LEA is requesting, through the notice and

1 order or otherwise, to continue to include them on the
2 inventory should be discussed in the context of regulatory
3 changes for the inventory process that is currently
4 underway. So the bottom line is we --

5 CHAIRPERSON MOULTON-PATTERSON: And when would
6 that be? When will we be talking about it?

7 DEPUTY DIRECTOR NAUMAN: Well, we're doing
8 workshops this month, and so I think it will probably be,
9 you know, a month or two before we're back to the Board
10 with some options for your consideration.

11 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

12 BOARD MEMBER ROBERTI: I'm not too excited about
13 taking them off the inventory until we've discussed the
14 rule, for my own vote, until we've discussed a new rule,
15 in general. So my own reference is that the stay on the
16 inventory, since that is apparently what the LEA has
17 recommended to us.

18 CHAIRPERSON MOULTON-PATTERSON: But you're saying
19 that --

20 DEPUTY DIRECTOR NAUMAN: Well, I was going to ask
21 legal counsel a question, because it's my understanding
22 that we're statutorily required to publish the inventory
23 on a semi-annual basis and that traditionally the Board
24 has done that in April and October. So we are due to
25 publish the inventory, so we need direction on whether to

1 include the facility or not.

2 CHAIRPERSON MOULTON-PATTERSON: Did you have
3 anything to say?

4 BOARD MEMBER EATON: What is our notice
5 requirements?

6 CHIEF COUNSEL TOBIAS: Well, I know Mr. Bledsoe
7 is looking at this, and he might come up as well.

8 But, you know, when we first did this and we had
9 to decide how to publish this, we did decide that we would
10 be bringing these to the Board on a, semi-regular basis
11 and we selected those months. I guess, I'd ask Michael to
12 try to look at the statutes or the regulations and see
13 whether we said that it had to be in October.

14 So what you may want to is continue on with Mr.
15 Paparian's other comments while we look at this. I do
16 think it's -- I guess what concerns me is not only what
17 dates we publish, but really I think the interpretation
18 here. And I think Mr. Jones and staff have done a good
19 job of centering on the issue, and that is, you know, is
20 it when they actually achieve compliance or are they still
21 under an order to basically be able to see whether it's
22 done.

23 You know, I would point out that we don't have
24 this on the agenda title, so we've got the other issue of
25 having something in front of the Board, which does need

1 some resolution if we are going to officially publish the
2 inventory this month. But really this should be brought
3 back so that all the stakeholders and the Board have an
4 opportunity to look at this issue and consider the pros
5 and cons of all of it.

6 So if Mr. Paparian could go ahead with his
7 comments, we could do some checking and hopefully be back
8 to you in a couple minutes.

9 CHAIRPERSON MOULTON-PATTERSON: Okay.

10 Mr. Paparian.

11 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
12 You know, first of all, I think the staff has done an
13 excellent job of trying to get at a lot of the issues that
14 we've been raising, at least since I've been on the Board,
15 with regards to the list and the types of facilities on
16 the list and the compliance schedules and so forth.

17 I just wanted to clarify a couple of things with
18 the staff. From the staff presentation, it's my
19 understanding that the information in the agenda item
20 about several facilities not having current compliance
21 schedules, that's no longer accurate, that we now have
22 compliance schedules for everybody, is that right?

23 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
24 That's correct. When the item was developed and went to
25 print there were several that were outstanding, and during

1 the briefing we reported to the Board about several of
2 those. And between that time and today, we've seen LEAs
3 step forward and complete -- either complete the notice
4 and orders that they were in the process of doing or issue
5 the compliance schedules that they're required to do.

6 BOARD MEMBER PAPARIAN: Good. Now, specifically
7 on the Pumice Valley Landfill in Mono County, you gave us
8 an explanation of what's up there and how long it might
9 take to bring them into compliance. I think we talked
10 about this very long compliance date of December 2004 at
11 our briefing a couple weeks ago.

12 I didn't hear whether that's going to be
13 changing, from your discussions with the LEA, are they
14 going to bring the compliance date closer to today,
15 especially given that it would only take a matter of days
16 to bring the facility into compliance.

17 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
18 They haven't gone there yet. They're still indicating
19 that the notice and order is the one in place, but they
20 haven't indicated verbally or otherwise whether they're
21 considering moving that date up.

22 I think if the Board is concerned with this issue
23 at Pumice Valley we could address it in a number of ways.
24 It's my understanding talking to Sharon Anderson and her
25 group in LEA evaluations, that this LEA is coming up for

1 evaluation in November, and so the appropriate enforcement
2 action for this facility could be discussed and analyzed
3 at that time, as an evaluation issue.

4 The Board could also indicate that the action
5 taken by the LEA is inappropriate enforcement action and
6 begin the process included now in the new enforcement
7 regulations that allows the Board to eventually take over
8 enforcement action, if it's eventually determined that the
9 LEA has not taken appropriate enforcement action.

10 And certainly, as Julie indicates, you know, I'm
11 embedded in statute and reg, but the kinder side of
12 myself, which I bury too often, I'm sorry, we can continue
13 working with the LEA, informally, to have them see the
14 light or see it in a new light. And associate with that,
15 we could even include the operator and see what assistance
16 and resources the Board could provide to them.

17 Mr. Jones in the past was very effective in
18 making significant strides in jurisdictions that were
19 dragging their feet coming into compliance. And we could
20 utilize the same sort of strategy in this case to have the
21 operator put the men and equipment in place much more
22 quickly than they're planning to do at this time. So
23 there's that option too, to address it in a more proactive
24 assistance manner, too.

25 BOARD MEMBER PAPARIAN: I mean, there's a broader

1 issue here, too. And that is that there has been concern
2 raised in the past and I've raised this concern as well
3 that publicly owned facilities appear, at times, to be
4 treated differently than privately owned facilities. And
5 when I look at this, I have to wonder if this was a
6 privately owned facility, would an LEA be looking at a
7 2004 compliance date? I don't think so.

8 And, you know, I think it's something that we
9 need to keep in mind is consistent enforcement throughout
10 the State. You know, if this was a facility in some other
11 location in the State or if it was a privately owned
12 facility, I think we'd be looking at, you know, perhaps a
13 2001 compliance date rather than a 2004 compliance date.

14 So I'd urge you to continue with your efforts
15 with the LEA to get a, you know, some quicker action on
16 this, and just maybe even toss out one other possibility
17 for your tool box in dealing with this, and that might be
18 to have the LEA come to a future board meeting, maybe in
19 our December or January board meeting and make a
20 presentation on why they need a 2004 compliance date when
21 the information we've been presented suggests that it
22 could be brought into compliance in a matter of weeks.

23 DEPUTY DIRECTOR NAUMAN: If I might?

24 CHAIRPERSON MOULTON-PATTERSON: Just a moment,
25 Mr. Jones wanted to comment on something.

1 BOARD MEMBER JONES: Mr. Paparian, I agree with
2 you 100 percent. I wanted to bring some information out
3 and didn't have a chance to do it. Mono County actually
4 changed. They had a private contractor who was basically
5 a dirt mover operating their system. They've gotten rid
6 of that contract. They've now put county staff in charge
7 and one of the really exciting things about our training
8 with SWANA on the California specific. I think you
9 remember our early discussions was trying to get the
10 Inyos, the Mono Counties, the smaller counties that have
11 limited resources to educate their people.

12 And Don Dier has done a good job of that. And
13 hopefully our next step gets right into those counties,
14 but the new person in charge for the county that will be
15 at this, I think, it's this site he's at took the four-day
16 training course at the instruction of the Board of
17 Supervisors and his boss to understand as much as he can
18 about landfill operations.

19 So I think that coupled with what you're
20 saying -- I just want to give you that information that
21 they have taken steps from an operational standpoint that
22 indicate to me that they understand the importance of
23 making sure that their people understand how to operate
24 landfills effectively and hopefully this grading issue
25 goes away in a short period of time.

1 I appreciate the fact -- when I saw the date, the
2 only thing I could figure out was that to get to grade
3 they needed more garbage than they could produce in a
4 year.

5 And that not being the case, tells me it's an
6 operational issue of somebody that just doesn't know,
7 didn't have the ability to operate that equipment or that
8 site right, and hopefully that's being rectified and so I
9 just wanted to interject that and I appreciate it Madam
10 Chair that you allowed me to put that in.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.

12 Ms. Nauman.

13 DEPUTY DIRECTOR NAUMAN: Thank you. Just in
14 response to some of the issues that Mr. Paparian was
15 raising. I will remind the Board that next month, in
16 fact, we'll be coming forward with an item in which you
17 will be able to review with us the notice and orders that
18 have been issued by the LEAs over the last several months.

19 And now that the enforcement regs are in place,
20 our authority with respect to reviewing notice and orders
21 issued by LEAs is more clear, and we're planning to, you
22 know, probably a three or four times a year come before
23 you to present for your review the notice and orders that
24 the staff has received and reviewed during that time
25 period. So that's other mechanism by which the staff and

1 the Board will have an opportunity to take a look at these
2 notice and orders early on in their life span, if you
3 will, rather than looking at them as we are today in the
4 context of the inventory.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 Ms. Tobias.

7 CHIEF COUNSEL TOBIAS: First of all, as to the
8 issue of whether the Board needs to do this today. As I
9 understand from staff, our original policies are not in
10 regs. They're, in fact, developing regs, at this point.
11 So if the Board wanted to postpone this, they could. I'm
12 not suggesting that you do, but I'm saying that you would
13 have that opportunity.

14 I think the problem is that we can't come back
15 with proposed regs at the next meeting, so it would
16 probably move off the consideration of the inventory for
17 several months. I'm not suggesting that, but I am saying
18 that you could do that if you want.

19 Secondly, 44106 basically says that the
20 enforcement agency shall develop a compliance schedule for
21 this solid waste facility and the compliance schedule
22 shall ensure that diligent progress will be made to bring
23 the solid waste facility into compliance. So I think the
24 issue before the Board is not so much whether the LEA made
25 a request, but what the order says.

1 If the LEA felt that as the facility came into
2 compliance if there was some reasons to question whether or
3 not they could stay in compliance or whether they would
4 fall out of it, then I think that there is a reasonable
5 basis to keep that facility on the inventory.

6 I don't disagree with Mr. Jones's point, which is
7 that if they fall off, certainly they could be picked back
8 up on the inventory. But from the legal point of view, I
9 would look at what the compliance order actually said, and
10 if they felt they needed the additional 90 days to see it,
11 that would carry some weight in my opinion.

12 I do think that one of the things that we'll have
13 to look at in regulations if we go that direction is a
14 reasonableness issue, because I think there's certainly
15 the side of an LEA saying well, okay, let's see if you
16 stay in compliance for a year. And, again, I think, as
17 Mr. Jones pointed out, they're supposed to be in
18 compliance. They don't need orders to do that.

19 So we'd want to make sure that there wasn't
20 something unreasonable being done through a notice and
21 order that was either punitive action or for some other
22 reason.

23 CHAIRPERSON MOULTON-PATTERSON: So we don't take
24 them off, would be your --

25 CHIEF COUNSEL TOBIAS: In my opinion, that the

1 weight of it would fall on what the LEA order said, and if
2 the order says I want to see whether you can keep it on, I
3 think that's it. But I also think that a reasonable
4 approach would be to do it. So I think it real just comes
5 down to which side does the Board want to fall on this
6 one.

7 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

8 BOARD MEMBER ROBERTI: Is a motion in order?

9 CHAIRPERSON MOULTON-PATTERSON: Can we make a
10 motion though, this was an information item.

11 CHIEF COUNSEL TOBIAS: The staff has proposed
12 that as they brought forward to you in the agenda item,
13 they have a chart, which on page, it looks like, 8 dash --
14 I can't read what it is, four it looks like on mine, that
15 basically carries the Bradley Landfill on the inventory.

16 So what the Board could do is simply leave it
17 like this, since we're not approving it. This is
18 something that's just published. If you didn't want to do
19 that, I guess I would suggest that perhaps you not publish
20 it this month and bring it back next month. Even though
21 we wouldn't have regulations in place, there would be an
22 opportunity for staff to talk to the different entities
23 involved. That would be another approach.

24 CHAIRPERSON MOULTON-PATTERSON: So since this was
25 an informational item and this schedule was presented, we

1 can just accept it?

2 CHIEF COUNSEL TOBIAS: Well, this is the
3 publication.

4 CHAIRPERSON MOULTON-PATTERSON: Isn't that what
5 we do, Ms. Nauman?

6 DEPUTY DIRECTOR NAUMAN: Well, I had the thought
7 that you can either accept it as is, or perhaps and I was
8 kind of looking to Kathryn for some advice on this,
9 perhaps you could tell us how best to implement the
10 policies with respect to the inventory. And then staff
11 takes that direction and publishes the inventory
12 accordingly. So you're not making a motion on the
13 inventory, but you're indicating what a compliance is and
14 then we publish accordingly.

15 CHIEF COUNSEL TOBIAS: We would probably have to
16 bring it back. And, again, let me throw this out. I
17 think we'd have to bring it back, because I think the
18 actual publication is, I think, we decided before and
19 again, we don't have regs in place, but I think when we
20 interpreted what publication meant under the statute, we
21 decided that publishing it in the Board's agenda is
22 actually the publication that is required under the
23 statute.

24 So if the Board wants this changed, then, at the
25 moment --

1 BOARD MEMBER ROBERTI: What happens if we
2 continue the item over until next month and -- well, bring
3 it back either as a discussion item or as an item related
4 to the staff coming up with a new policy directive? What
5 happens in the intervening month?

6 CHIEF COUNSEL TOBIAS: Well, nothing happens,
7 because the idea of the inventory was really a shaming, if
8 you will. It's a publication of those inventories on the
9 agenda. So I think if you did want to bring it back next
10 month, you could do one of a couple of things.

11 One, is you could just republish it, if the Board
12 wants to give some direction today. I have a little bit
13 of concern about that, because we haven't noticed this
14 particular issue. And so, you know, we don't know for
15 example, as Mr. Bledsoe and I were discussing, we don't
16 know whether other notices and orders have actually been
17 written like this. We haven't looked at them, whether
18 this has been done in the past.

19 This time, my understanding is and I'm sure staff
20 will correct me if I'm wrong, that the reason this kind of
21 came to light is that the LEA made a request, and said I'd
22 like this to stay on the inventory. We don't know if this
23 has been done before without drawing any attention to it.

24 CHAIRPERSON MOULTON-PATTERSON: I'm sorry.
25 Didn't mean to cut you off, Ms. Tobias. Are you finished?

1 CHIEF COUNSEL TOBIAS: So you can either leave it
2 as it is today and it will go out, and I think you could,
3 you know, the Board can basically indicate that you feel
4 that this is not necessarily the precedent for how you're
5 going to do this next time, that there's an agenda item
6 coming back.

7 BOARD MEMBER ROBERTI: Right now it is not on the
8 inventory.

9 CHAIRPERSON MOULTON-PATTERSON: It is.

10 BOARD MEMBER ROBERTI: Right now it is on the
11 inventory. Okay.

12 CHIEF COUNSEL TOBIAS: Right now it is. You can
13 come back next month with an agenda item that would try to
14 discuss what the policy change should be and then see if
15 you wanted to publish it or you could hold off publishing
16 it until you are able to actually, you know, make a
17 determination which would be several months, or you could
18 take it off today, but I think that leaves a little bit of
19 ambiguity in terms of what did we actually publish since
20 it's the publication of the agenda that we've always used
21 to meet the intent of the statute.

22 CHAIRPERSON MOULTON-PATTERSON: So it is on the
23 publication, and we can just accept it and then at a
24 further -- next month or something we can talk about the
25 specifics. But isn't the majority of the Board's wish to

1 just leave it and accept it and --

2 BOARD MEMBER PAPARIAN: Can I just -- I'm not
3 quite sure I understand exactly what's been suggested
4 here. If it's published today, you're suggesting that you
5 could revise in three weeks at the November meeting, you
6 could revised the published list and it could come off at
7 that time, is that right?

8 CHIEF COUNSEL TOBIAS: I think that's one of the
9 options. That's not one of the ones I said. I think that
10 if the Board feels that they either are concerned about
11 setting a precedent or they really feel that this should
12 not be published with Bradley Landfill on it, you should
13 so indicate that -- and that would take a motion. And
14 this is a little bit outside of the normal routine,
15 because this is not listed as a consideration item. It's
16 really just a publication item.

17 If you notice, it's the semi-annual update and
18 publication of the inventory. But I think if you don't
19 wanted -- if you have a problem with Bradley being on
20 here, then you should indicate that you feel we're not
21 ready to deal with that policy and come back next month so
22 that you can publish something that to the public is clear
23 what's on the inventory and what's off.

24 You could also, as I said, you could leave it
25 today indicating that it is not a precedent, that you

1 don't feel like we've decided this issue, but because the
2 order said a continued 90 day, you could leave it, so I
3 think there's three or four options.

4 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

5 BOARD MEMBER PAPARIAN: At this point, I'm
6 comfortable with leaving it, but visiting the issue and
7 discussing that issue further for future publications.

8 CHAIRPERSON MOULTON-PATTERSON: So am I. Anyone
9 uncomfortable with that?

10 BOARD MEMBER JONES: I not, but I'm not in the
11 majority.

12 But I do want to ask our staff has taken off the
13 Western Regional Landfill. They took off Arvin. They
14 took off John Smith and they took off Hesperia since the
15 item was first written by staff and through the -- Mark De
16 Bie is shaking his head no. Obviously, this was written
17 at one time that they were on and they have since come off
18 before it got to this Board.

19 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
20 That's true. But the timing wise is what I'm shaking my
21 head relative to. When we wrote the item, staff had
22 determined that those facilities were in compliance and so
23 we were just, for continuity indicating that, you know,
24 they had been on, and now they're coming off with this
25 next publication.

1 So it wasn't in between when the item was written
2 and today, it was well in advance to when the item was
3 written.

4 I'll use this opportunity, Mr. Jones, if I
5 might --

6 BOARD MEMBER JONES: That answers it.

7 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:
8 -- past practice. And there has been past practice where
9 between the time the item is written and the Board
10 meeting, if staff has information about a site coming into
11 compliance, we've included it orally as part of our
12 presentation, and made a statement such as, if there are
13 no issues that the Board brings forward, it would be
14 staff's intent to take the facility off.

15 So with the Bradley site, you know, I can make
16 that kind of statement and demonstrate to the Board that,
17 you know, it's staff's aim to pull this facility off
18 because they are in compliance. But if the Board objects
19 to that, then we'd leave it on until such time as the
20 Board deems appropriate to bring it back or wait till the
21 next publishing or whatever.

22 CHAIRPERSON MOULTON-PATTERSON: Just so not
23 everyone is confusing, I am for accepting this with
24 Bradley on it, and if we need to revise it in November,
25 can't we do that?

1 PERMITTING AND INSPECTION BRANCH MANAGER De BIE:

2 Yes.

3 CHAIRPERSON MOULTON-PATTERSON: Is that okay?

4 Okay, let's move on.

5 Thank you.

6 Item number 9, I would like to get through number
7 9 before lunch. We're not going to be able to get through
8 number 10 because there are so many speakers. But, you
9 know, I want to -- I know this is a sensitive item with my
10 board, so I'd like to poll the Board, do you want to take
11 lunch now or do go through number 9?

12 We have two speakers on number 9. It should go
13 pretty fast, shouldn't it Scott?

14 MR. WALKER: Yes.

15 CHAIRPERSON MOULTON-PATTERSON: Let's go ahead
16 and do number 9, so those people can leave, and then we'll
17 take number 10, is that okay with this side of the aisle.

18 BOARD MEMBER EATON: Absolutely.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you.

20 BOARD MEMBER EATON: I'd just like to request
21 that, Madam Chair, if we could in the future when this
22 particular program has sites, if the Board Members could
23 have at least 30 days advanced notice. It would have been
24 nice. I was down in the Los Angeles area, a couple of
25 times. I rode down with Senator Roberti one time on a

1 plane. It would have been nice to go by some of these
2 sites and see some of the work there or in some of the
3 other areas, it would be really help get some answers to
4 some questions that I'm going to have on this, which will
5 be very quick, but just if we could do that, that would be
6 very, very helpful.

7 CHAIRPERSON MOULTON-PATTERSON: Okay. Committee
8 and a great idea.

9 DEPUTY DIRECTOR NAUMAN: In fact, Mr. Eaton, I do
10 have a plan for next month, the month of November, I am
11 planning to bring an item forward to the Board that is
12 kind of an overview of our cleanup program, including our
13 closed, illegal and abandoned site. And one of the things
14 that I'd like to accomplish in presenting that item to you
15 is to review with you a list of upcoming sites for 2136.

16 This is something that you have spoken to the in
17 the past and other board members have expressed an
18 interest kind of seeing what the inventory is rather than
19 bring the sites to you on a month by month basis. So I
20 hope that, in part, the presentation of that item will
21 address what you've just requested, so that you'd have an
22 inventory of the sites that we're at least currently
23 looking at, and our anticipation of when they might, over
24 the next 12 to 18 months, come before the Board.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 DEPUTY DIRECTOR NAUMAN: For Item number 9, this
2 is consideration of approval of new sites for the solid
3 waste disposal and codisposal site cleanup program. We
4 have five sites this morning for a total of a little over
5 1.6 million. And Scott will present the individual
6 projects.

7 MR. WALKER: Madam Chair, Members of the Board,
8 again this item presents consideration of the five illegal
9 disposal site projects. Staff is recommending approval of
10 these projects. All these sites are Priority A sites with
11 confirmed conditions of pollution and nuisance -- and/or
12 nuisance. And all the proposed activities are listed as
13 specifically eligible under the program.

14 The first site is Crevasse Illegal Disposal Site.
15 It is a legacy illegal dump site in the Antelope Valley,
16 and the estimated cost is \$100,000 to remove and recycle
17 to the extent practical.

18 And a board managed project is proposed. Cost
19 recovery would be applicable to this site to the private
20 parcels affected. And BLM, Bureau of Land Management,
21 would reimburse the Board for 50 percent of the cost
22 associated with the dump portions on their lands. And
23 that estimate is 25,000 for the reimbursement.

24 Board Member Jones asked a couple questions at
25 the briefing I'd like to just touch on, centering around

1 the Board's efforts. The Board has done a lot of efforts
2 with regard to the Antelope Valley. And to kind of give
3 you an idea of what we have to show for the money.

4 This site would be the fourth project that the
5 Board would consider. We've had three sites approved.
6 All projects have been completed. Typically, the LEA will
7 refer the big complex type sites to us. While we can't
8 say another one may not come forward, right now, you know,
9 we feel like they've pretty much got a pretty good handle
10 on what's out there, and this is the fourth project.

11 All three previous projects have been completed
12 and they've been kept clean. There's been no dumping
13 subsequent.

14 The second point is that the Board has a pilot
15 surveillance, illegal dumping surveillance an enforcement
16 program, which matches the county, provides about \$160,000
17 to the county for this pilot project, pilot program, and
18 this pilot program addresses two areas.

19 South Central LA and the Antelope Valley, which
20 are historically a big problem with dumping. There's been
21 a lot of activity. A lot of publication. There's been
22 offices set up through the Sheriff's Department. A lot of
23 coordination. A hotline, lots of, you know, posters and
24 things, and hot line activity. And also there's been some
25 significant citations and court proceedings against

1 individuals that are brought forward for prosecution
2 pursuant to that contract.

3 The final thing in the Antelope Valley is the
4 fact that the County has provided a five-year notice to
5 tighten up the mandatory collection provisions in that
6 whole area. And that will come into place January of 2003
7 and so that's part of the whole activities which we hope
8 will address and to respond to the issue in Antelope
9 Valley.

10 The second project is the Fagundes Dairy Illegal
11 Disposal Site in Fresno County. Again, a board managed
12 remediation project is proposed, and the estimated cost is
13 \$70,000. This site cost recovery would be applicable.
14 The current property owner basically has been tied to a
15 renter. The current property owner though would suggest
16 that there's been substantial enforcement action by the LA
17 on this site.

18 The third project is to Table Bluff Reservation
19 Illegal Disposal Site in Humboldt county. And as
20 presented in the Board's briefing, this is the fourth
21 Indian lands type project the Board has considered. And
22 this project is requested to be a board managed cleanup
23 with cost estimate of \$188,000 for seven parcels where
24 dumping has occurred for the reservation.

25 In this case, cost recovery is recommended for

1 waiver in accordance with the Board's policy, because the
2 individual property owners are not responsible for the
3 disposal and they have negligible financial ability. They
4 are tribal members within the Table Bluff Reservation.

5 In addition, what's important on this project is
6 the Table Bluff Reservation has enacted a solid waste
7 ordinance, which will provide enforcement abilities
8 against individual tribal members and also sets up, a
9 pretty sophisticated for tribes, solid waste management
10 program, including mandatory collection and a contract
11 with the waste hauler that would start approximately on
12 conclusion of the cleanup project.

13 The final two projects are very similar to the
14 Los Angeles River matching grant project that the Board
15 approved last November.

16 Essentially, trash and other solid wastes in the
17 leachate that accumulate at sites, at particular storm
18 drain outfalls is a major environmental problem affecting
19 urban streams and beaches. And these two projects would
20 construct control systems to remove the wastes and
21 leachate from two sites. And these two sites are
22 particular areas where, you know, the solid waste is
23 accumulated from a wide drainage area within the basin.

24 The accumulation at these sites occurs to the
25 extent that a public and ecological health hazard is

1 present and cleanup is required. The applicants are --
2 again, these are matching grant applications that have
3 been submitted. And the applicants are committing to all
4 contracting, permitting and operations and maintenance of
5 this. And, in addition, to funding a significantly higher
6 portion than the Board's requested match.

7 The City of Malibu is requesting \$500,000 from
8 the Board for a total of a \$2.1 million project. The City
9 of Santa Monica is requesting \$750,000 from the Board for
10 a \$1.9 million project.

11 The Regional Board is the lead regulatory agency
12 and we've been coordinating with them and they are
13 supportive of these projects and have encouraged us to
14 consider these.

15 Essentially, a cost recovery would not apply and
16 would address the Board's waiver requirements through the
17 following. The Applicants did not willfully dispose of
18 waste illegally. These projects are within areas that are
19 dedicated to the public interest and public benefit. The
20 applicant's are providing a significant funding. And
21 these applications with regard to this issue in the
22 southern California area, the applicants have demonstrated
23 a very significant financial need in this area.

24 In conclusion, staff recommends adoption of
25 Resolution 2001-418 to approve these projects. Staff are

1 available to answer questions and, I believe, there are
2 two speakers.

3 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

4 BOARD MEMBER EATON: Yes, Madam Chair, I'll try
5 and be brief. There's a couple of questions here and one
6 I don't have any problem with projects of this nature.
7 What I do have is some concern regarding the issue of is
8 this litter or is this a abandoned or illegal dumping,
9 because the two sites that you speak of the one in Malibu
10 is a closed off area, if I'm not mistake, surrounded by
11 fencing. And the other issue is it's also guarded as a
12 cleanup area with regard to the State highway that runs
13 there that you mention in your sheet.

14 So I'm wondering how close are we getting to
15 where we teeter on litter, which is another proper role
16 for someone else. And also the other greater policy issue
17 is we have one regulatory body, the Water Board, by which
18 they have an enforcement order against another public
19 entity, and yet we're using other public funds by which to
20 resolve that issue. Whereas, in some of the other areas
21 where we've ventured into in our own areas, such as what
22 we just had earlier in another permit, we allow the permit
23 to go through and don't provide any kind of funding. So
24 what's different about that?

25 And also with regard to the Sepulveda Channel

1 what is the geographic location? Because you mention that
2 there's 157 -- or a 170-acre commercial site around it.
3 Ballona Creek does not border the City of Santa Monica,
4 from my recollection, nor does the Sepulveda Channel that
5 goes in. It's separated by the Marina Del Rey outlet. So
6 the question that I have is, how is that trash being
7 accumulated, is it litter or is it dumping?

8 MR. WALKER: Let me answer, you've got three
9 parts and they're very good questions.

10 The first question is the difference between
11 basically a litter site and an illegal disposal site.
12 It's an excellent question.

13 We are going to be visiting it next, but in a
14 sense what an illegal disposal site is is where the waste
15 would accumulate in such a quantity at an individual
16 location such that there is a public health and safety
17 threat and cleanup would be required. In these cases what
18 happens is that waste from within a drainage basin, it
19 gets -- it accumulates and it funnels in and accumulates
20 in an individual site, and so this could be considered as
21 an illegal disposal site that warrants cleanup.

22 It's different from, you know, a typical storm
23 drain, in a sense that all storm drains may or may not,
24 you know -- they certainly could have some litter that
25 might go through, but not all of them could be considered

1 a site where it accumulates in such quantities that it's a
2 public health threat and that site.

3 But we will be talking about this issue with the
4 closed illegal and abandon site program in coordination
5 with 2136, because the different between nuisance
6 dumping -- what nuisance dumping is versus litter versus
7 an illegal disposal site is a very good question that we'd
8 certainly like to hear the Board's opinions on.

9 The second question --

10 BOARD MEMBER EATON: Do you think there will be a
11 lot of these types of sites coming forward?

12 MR. WALKER: Well, we will be, you know,
13 presenting that to the Board. And, at this time, we've
14 got an idea of which ones that we could project, there's
15 probably a half a dozen or so specific projects tied to an
16 individual site that we would anticipate within the next
17 two or three years.

18 So we have with the Water Board, in discussion
19 with the Water Board been able to focus on particular
20 locations, and so we will be able to talk about that and
21 present those specific cases that we have identified.

22 The third question had to do with the Water Board
23 and the particular, you know, if they have an enforcement
24 action whether it's appropriate for funds to be spent.
25 Well, in this particular case, what these jurisdictions

1 are subject to a general storm water permit, which is
2 under the Clean Water Act. And it does cover discharges
3 of everything within those basins to the urban streams.

4 And, in addition, on some cases they're subject
5 to what's called to total maximum daily load requirements,
6 which are waste load allocations imposed on the individual
7 jurisdictions.

8 Right now the Water Board has -- the compliance
9 is being addressed in accordance with these orders.
10 There's no separate enforcement order, such as a higher
11 level enforcement order from the Water Board, such as a
12 Cleanup and Abatement Order, et cetera that's been issued
13 or that the Water Board feels necessary at this time.

14 Now, the other question has to do with the
15 Sepulveda Channel and okay, you know, you've got Santa
16 Monica and you've got Ballona over here and you've got the
17 city of LA in between. And so the question is well how is
18 that the area and a source for it.

19 Well, the areas within the -- actually, the
20 channel is in the City of LA, but a lot of the areas that
21 would drain into that particular location are from
22 actually the city of Santa Monica. So this -- it's
23 complicated, but the Santa Monica drain from that area
24 would actually go into that area, according to what the
25 applicant has provided us, so it would impact Ballona

1 creek and it would impact the downstream beach areas.

2 BOARD MEMBER EATON: Well, I look forward to our
3 discussion next month.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 Any other questions, comments before we go to our
6 speakers?

7 CHIEF COUNSEL TOBIAS: Madam Chair, I have a
8 comment on the staff report, if I could.

9 I'd like to correct something on page 9-3. It
10 says that the Board's legal office, this is for the
11 Crevasse Site, would work with the LA County Council to
12 place liens. Actually, we would not be doing that. We
13 would be pursuing those land owners through the AG. So I
14 wanted to clarify. That's at the very bottom of page 9-3
15 second, paragraph from the bottom. We would be filing an
16 action against those lands owners with the AG.

17 Similarly on page 9-5 in the middle of the page,
18 with respect to the Fagundes Dairy site, that also says
19 that we will be working with the City to secure a lien.
20 What we've found so far in doing liens on these properties
21 is whether the cities have an ordinance in place that
22 allows them to do that for us.

23 If they don't, then we will be pursuing that
24 through the AG as well. So I wanted to clarify that doing
25 these liens is not as easy as we initially thought

1 sometime ago.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
3 Tobias.

4 Okay, we'll go to our speakers. Brian Johnson,
5 City of Santa Monica, followed by Joan House, City of
6 Malibu.

7 MR. JOHNSON: Good afternoon, Madam Chair and
8 Board Members. My name is Brian Johnson. I am the
9 manager of the City of Santa Monica's environmental
10 programs division, and I will be very brief this
11 afternoon.

12 I would like to express the appreciation of our
13 Mayor, or City Council and our community in your
14 consideration and hopefully in your approval of the grant
15 funding for Santa Monica's proposed Centinela illegal
16 disposal site project.

17 This project represents a key element in our
18 progress towards Santa Monica's goal of treating 100
19 percent of all dry weather urban runoff draining from
20 Santa Monica's drainage basins. This run off
21 unfortunately, as you know, contains tremendous volumes of
22 illegally disposed debris and pollutants. The proposed
23 project will construct state of the art pollution
24 prevention devices to remove these pollutants prior to
25 their introduction into Ballona Creek and hence into the

1 Pacific Ocean.

2 By doing this they will be reducing the
3 deleterious human health and environmental impacts of that
4 pollutant loading.

5 Please note that I do believe before you we have
6 numerous letters of recommendation and support from
7 Senator Kuehl as well as from Heal The Bay, Baykeeper and
8 the University of California, Los Angeles Ocean Discovery
9 Center.

10 Once again, on behalf of the Mayor and City
11 Council and our community, I express appreciation for your
12 consideration of this matter, and will take any questions
13 that you may have.

14 Thank you.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Joan House, City of Malibu.

17 MALIBU CITY MAYOR HOUSE: Chair Moulton-Patterson
18 and Commissioners, thank you very much for your time. My
19 name is Joan House. I'm the Mayor of Malibu. And with
20 me, I have Rick Morgan our City Engineer who can field any
21 technical questions that you may have.

22 One of the City of Malibu's top priorities is the
23 cleanup of Malibu Lagoon and Surfrider Beach. The City
24 has three major storm drains which outlet into Malibu
25 Creek, all of which have been cited as a major source of

1 pollutants. The City is seeking grant funding to pay for
2 the upfront capital cost to complete the Malibu Lagoon
3 facility and to construct two additional facilities, such
4 that the civic center storm drains are no longer a source
5 of contamination to the Malibu Creek.

6 As a demonstration of the City's commitment to
7 solving this serious problem, the City has accepted the
8 responsibility for the significant ongoing maintenance and
9 operational costs for the facilities. The city thanks you
10 very much for your consideration to this application and
11 for your time.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you Mayor
13 House. Any questions or comments?

14 Mr. Medina.

15 BOARD MEMBER MEDINA: Madam Chair, I'd just like
16 to -- if there's no -- as soon as we complete the public
17 comment, I'd like to move the resolution.

18 CHAIRPERSON MOULTON-PATTERSON: I think we have,
19 so I'll turn it over to you.

20 BOARD MEMBER MEDINA: Thank you, Madam Chair.
21 I'd like to move Resolution 2001-418, consideration of a
22 approval of new sites for the solid waste disposal and
23 codisposal site cleanup program.

24 BOARD MEMBER PAPARIAN: Second.

25 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a

1 motion by Mr. Median, second by Mr. Paparian.
2 Please call the roll.
3 SECRETARY FARRELL: Eaton?
4 BOARD MEMBER EATON: Aye.
5 SECRETARY FARRELL: Jones?
6 BOARD MEMBER JONES: Aye.
7 SECRETARY FARRELL: Medina?
8 BOARD MEMBER MEDINA: Aye.
9 SECRETARY FARRELL: Paparian?
10 BOARD MEMBER PAPARIAN: Aye.
11 SECRETARY FARRELL: Roberti?
12 BOARD MEMBER ROBERTI: Aye.
13 SECRETARY FARRELL: Moulton-Patterson?
14 CHAIRPERSON MOULTON-PATTERSON: Aye.
15 Thank you.
16 We will now take our lunch break And be hack at
17 2:00 or slightly after.
18 (Thereupon a lunch recess was taken.)
19
20
21
22
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24
25

1 AFTERNOON SESSION

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
3 the meeting back to order please. We'll go the ex partes.

4 Mr. Eaton.

5 Did you get that to you, the DGS, would you ex
6 parte it for all of us.

7 BOARD MEMBER EATON: Thank you, Madam Chair. The
8 only ex parte and I'll -- since I always get to go first
9 on these, I will ex parte for the rest of the board
10 members and save them. It was a letter handed to me dated
11 October 22nd, 2001 from the Department of General
12 Services, Division of the State Architect regarding, at
13 least on the cover memo, items 15, 32 and 33 on the high
14 performance demonstration school. And that should suffice
15 for the rest of the Board as well.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
17 Eaton.

18 Mr. Jones.

19 BOARD MEMBER JONES: Kelly Astor and Chuck Tobin
20 and John Richardson. And I think that's it.

21 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

22 BOARD MEMBER MEDINA: None to report at this
23 time.

24 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

25 BOARD MEMBER PAPARIAN: Yeah, I talked with Joe

1 Lou and Louis Cabrales of the League of Conservation

2 Voters regarding Agenda Item number 16.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you.

4 I have none, other than the one Mr. Eaton
5 mentioned.

6 We're on item number 10. We have a lot of
7 speakers. I'm told by Ms. McKee that we have to be out of
8 here and cleaned up by 5:00 o'clock. So when we get to
9 the speakers, we really want to hear what you have to say,
10 but we appreciate you being as brief as possible.

11 Okay, I'll turn it back over to you, Ms. Nauman.

12 DEPUTY DIRECTOR NAUMAN: Thank you, Madam Chair.

13 Good afternoon, Board Members. Item number 10 is
14 Discussion of board direction on alternative daily cover.
15 The Board will recall that our July meeting in Long Beach
16 you had two items before you, both addressing various
17 aspects of alternative daily cover. And, at that time,
18 you gave us some direction with respect to both of those.

19 So the purpose of this item today is to report
20 back to you with an update on our efforts to date with
21 respect to the issues related to the use of alternative
22 daily cover as well as the reporting of alternative daily
23 cover through the disposal reporting system process.

24 So this afternoon we have, kind of, a two-part
25 presentation for you. First, Scott will lead off with

1 kind of a status report on the work to date of the working
2 group, in which we will lay out for you, where we've been,
3 the formation of the working group, and staff's suggested
4 plan of approach for the working groups efforts, which
5 will include the development of a detailed workplan that
6 will specify the issues to be discussed at each of the
7 meetings of the working group, as well as our time line,
8 which we're proposing that the working group work over the
9 next couple of months and that we report back to you at
10 your February board meeting with a synopsis of those
11 discussions and some options for your action.

12 When Scott finishes that portion of the
13 presentation Diane Range will come forward and present for
14 you updated information on the reporting from the several
15 facilities that were in question when we were reviewing
16 this topic in July.

17 So with that as a background, I'll turn it over
18 to Scott.

19 MR. WALKER: Thank you. I wanted to just go very
20 briefly over the Item 24 of the Board meeting, which was
21 the general policy discussion on alternative daily cover,
22 I'll refer to it as ADC, and the specific motion of the
23 Board. After I go through that, we will shift into the
24 discussion of the Board's specific actions on some
25 jurisdictions that was done in Item 23 of the July board

1 meeting.

2 There was three aspects to the Board's motion on
3 24, Item 24. First was staff was directed to update LEA
4 Advisory number 48. The second was that staffs from the
5 Permit and Enforcement Division; Diversion, Planning and
6 Local Assistance; and Waste Prevention and Market
7 Development coordinated together a working group of
8 industry, composters, local government, consultants,
9 environmental groups, LEAs and any other interested
10 parties to provide input to staff on several items,
11 including the LEA advisory update, the additional data
12 collection that should be done including trend analysis,
13 growth and use of types of ADC, standardization of forms,
14 and reporting systems across the State, impacts on local
15 governments in meeting the 50 percent requirement, if we
16 restrict the use of green waste as ADC, impacts on compost
17 markets of ADC use in the State, and any other issue that
18 may arise.

19 And the third part was for staff to report back
20 on the progress at this October board meeting, which we
21 are dealing with this item.

22 In response, Board staff conducted an initial
23 public workshop on the Board's direction on September 25th
24 of 2001. Over 50 persons from a wide variety of interest
25 groups attended. Staff presented a background on ADC

1 issues. It convened the work group structure and started
2 discussion on specific issues that have been listed for
3 ADC. We handed out a work group volunteer form with a
4 date for response back by October 8th for those who wanted
5 to be on the work group.

6 The work group will consist of a balanced
7 representation of the various private and public
8 stakeholders consultants and environmental groups. And
9 those who are not -- either do not desire to be work on
10 the work group or would not be chosen on the work group
11 would be part of the review team, which gives them the
12 opportunity to see everything and comment and funnel
13 specific comments in through their particular
14 representative in their interest group.

15 It is anticipated that the notice to the work
16 group members chosen will be transmitted later this week,
17 and the first work group meeting, you know, upon preparing
18 the detailed work plan and that being transmitted to the
19 work group members, that we would try to schedule
20 something the last week in November, if we can, for the
21 first work group meeting.

22 Briefly, the issues -- I'm not going to get into
23 the issues in detail, unless the Board likes to go that
24 way, but there are the three categories, statement minimum
25 standards and permitting and enforcement issues, LEA

1 advisory. That's one category of ADC issues.

2 The second is the disposal reporting system of
3 ADC and jurisdictional compliance with AB 939
4 requirements, and the third is market related issues. In
5 other words, the need or the desire to look at the market
6 situation to ascertain whether or not there's been a --
7 what the impacts are of ADC on composing, and other
8 recycling facilities, such as construction and demolition
9 debris facilities.

10 As Julie mentioned, Julie Nauman mentioned, as
11 part of the plan so far, staff envisioned that, you know,
12 essentially this work group, our vision of it and with,
13 you know, input from the Board is that we will not be able
14 to attain consensus on everything. ADC is just one of
15 those issues that we will not be able to do that.

16 And so the focus would be on capturing the
17 various input and positions from the groups and focusing
18 on coming back to the Board, again, in February with some
19 options where we can attempt to bridge the gap on some of
20 these issues. And so that was the idea, but that
21 issues -- individual work group members could bring issues
22 up as they see fit, but that the focus would be on clearly
23 on where we could gain resolution or attempted to kind of
24 close the gap on some of the positions that are out there.

25 And, again, the schedule we felt that there

1 probably would be on the order of probably two work group
2 meetings, at least two, probably would try to do two and
3 then we'd like to come back to the Board in February with
4 the synthesis from staff of the work group with some
5 options in those areas I mentioned.

6 And with that, I think before we transition to
7 the disposal reporting system group, and they're going to
8 give you an update on the actions that the Board did
9 through resolutions from Item 23 at the Board meeting, I'd
10 like to just perhaps suggest that the Board may, if the
11 Board has any questions at this point, whether or not they
12 wanted to bring up anything or whether we'd just go
13 straight into that update.

14 CHAIRPERSON MOULTON-PATTERSON: I think we'd like
15 to address questions and comments right now.

16 Mr. Medina.

17 BOARD MEMBER MEDINA: Yes, Madam Chair, I wonder
18 if you might comment the need to standardize the disposal
19 reporting forms.

20 MR. WALKER: That is one of the specific issues
21 that's come up and that will be pursued with the work
22 group, because there has been some problems with regard to
23 the standard reports that are submitted.

24 You see, jurisdictions are required to submit to
25 the Board the use of ADC, the types and quantities. And

1 part of the problem has been that some of the -- they need
2 to get the information from the landfill operators. And
3 the forms that they've used have been a problem in that
4 they have resulted in some misreporting.

5 And so part of -- the main issue is to get
6 some -- is to look at some types of standardized reporting
7 such that we can avoid the misreporting and the incorrect
8 reporting that's been done, because one of the problems,
9 the main problems that have really started this last
10 situations with ADC is the fact that the 2000 year
11 reporting showed a big jump in alternative daily cover
12 use, green waste use.

13 And when we look at the data, it really looks --
14 there's a lot of areas where it's incorrect, where other
15 beneficial uses are being reported as ADC, and that other
16 types of ADC's are being reported as green waste ADC, so
17 because of that lack of standardization of reporting and
18 consistency it's resulted in incorrect data and concerns
19 about what's going on out there.

20 BOARD MEMBER MEDINA: So are they using their own
21 forms or are they using our forms, what forms are being
22 used?

23 MR. WALKER: Right now, the one case and I think
24 with the disposal reporting system can chime in on this if
25 they'd like, but they were using their own forms for some

1 jurisdictions.

2 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

4 I was the author of the resolution back in July that led
5 to this working group. And I also attended the first
6 meeting, which Scott described. I wanted to mention a
7 couple of things. We've had some correspondence from
8 industry representatives. I've had conversations with
9 several of them as well. And there are a couple of things
10 that have been brought up, which I wanted to try to help
11 clarify.

12 One of them is this issue of whether the working
13 group should look at issues that might require a
14 legislative fix. And what was interesting at the workshop
15 that was held, is that the discussion of whether to
16 include a discussion of items that might require a
17 legislative fix, that discussion about whether to include
18 discussions of those things, took longer than the
19 discussion of those things themselves.

20 And I'm kind of afraid that that would continue
21 if we tried to restrict, in anyway, what can be discussed
22 in this working group. We're not asking the working group
23 itself to reach a consensus. We're asking for input from
24 the working group. Then we're asking staff to compile
25 that information as best as they can and present it to us

1 for further review, analysis and action.

2 If something were to require legislative fixes, I
3 think it would be up to the Board to decide whether they
4 wanted to pursue through our normal legislative process
5 seeking those legislative fixes. But, at this point, I
6 don't want to try to restrict this working group, in part
7 because I think that so much time would be taken debating
8 whether something is an item that would require a
9 legislative fix or not. I would say just let someone put
10 it on the table, if they want, let staff receive that
11 input, as well as the input on all the other items that
12 are being discussed at the working group and again compile
13 that input and provide it to us in the process that Scott
14 described.

15 CHAIRPERSON MOULTON-PATTERSON: Okay. I know we
16 have a lot -- you have more to tell us about, and we have
17 a lot of speakers, but, you know, I would like to see --
18 I'm not saying putting restrictions exactly on the
19 discussion, but I'd like to see a schedule of meetings and
20 subjects to be discussed, and to have these meetings be
21 publicly noticed so that anyone that's interested can
22 come.

23 And I think that would give it -- not that we're
24 restricting it, but it would give it more of a focus,
25 that's what I had heard and would be my preference.

1 Any other questions or comments before we go on?

2 Mr. Eaton.

3 BOARD MEMBER EATON: I think one of the things
4 that has successfully worked in past and what we may want
5 to consider, and I share your desire to have some
6 formality of such and, you know, it's not a narrowing
7 restriction, but you may also want to think of
8 establishing a record, because these work groups have a
9 way of having revisionist history from time to time.

10 And if you have a work group with a record, at
11 least as it relates to information that was presented,
12 we've had several occasions, and this is nothing on ADC,
13 but where allegedly evidence was presented about some
14 issue and then there was no evidence ever presented and
15 the debate took off.

16 So we may want to also consider having a court
17 reporter or something along those lines So a transcript or
18 a tape, whatever is economically efficient.

19 CHAIRPERSON MOULTON-PATTERSON: I think that's a
20 good idea, and I'd like staff to look at that.

21 Mr. Jones.

22 BOARD MEMBER JONES: Madam Chair, just a question
23 for clarification. The idea of having -- of attacking the
24 three different areas one on what the statement minimum
25 standards would be and placement and those types of

1 things, and then the other one on the marketplace is where
2 the debate is going to be of whether or not we're going to
3 have ADC or not and is there going to be a legislative
4 proposal.

5 But are you saying that those should all be
6 unstructured, to let anybody talk about each one of those
7 subject matters or -- I'm just trying to get an idea,
8 because I am worried about the disposal reporting system
9 and what needs to be clarified there, and the performance
10 standards from the state minimum standards standpoint, and
11 I'm -- is it all three are a free-for-all or we're going
12 to structure them.

13 BOARD MEMBER PAPARIAN: The original resolution
14 had, it was A through E or A through G, it had a certain
15 number of items that were supposed to be discussed,
16 including any other issue which might come up, but it had
17 a number of specific items to be discussed in the working
18 groups. I have no problem and I'd support what the Chair
19 was suggesting of having, you know, a structured agenda
20 where these things could come up.

21 Where I don't want to get hung up in those
22 meetings though, is if somebody in commenting on green
23 waste, you know, as ADC, if they bring up something that
24 could require a legislative fix, I don't want the meeting
25 to then stop and then you debate whether that's a

1 legislative fix or not and get hung up on that. Rather
2 I'd like to have them be able to present the information,
3 have staff compile it and present it to us.

4 BOARD MEMBER JONES: And accomplish that through
5 some kind of agenda that the Chairwoman had said, where
6 you put up -- so each of those issues are spoken to at an
7 appropriate time.

8 BOARD MEMBER PAPARIAN: Correct.

9 BOARD MEMBER JONES: Okay. All right. I caught
10 part of it and I wasn't sure if that's how you meant it
11 and I support that.

12 BOARD MEMBER PAPARIAN: Okay.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you.

14 If you'd like to continue.

15 MR. WALKER: Yes. With that, I'll hand it over
16 to Dianne Range who will give you an update on the Board's
17 action on the certain jurisdictions reporting.

18 (Thereupon an overhead presentation was
19 presented as follows.)

20 MS. RANGE: Thank you, Scott. Good afternoon.
21 As you may recall, at the July board meeting in Long
22 Beach, staff presented Agenda Item number 23. And in that
23 item we identified as nine landfills that reported
24 significantly high amounts of ADC use for report year
25 2000. Two of the landfills were facilities that are inert

1 landfills and they began reporting ADC amounts in 2000.

2 Three facilities had potentially overused or over
3 reported ADC amounts. And four facilities were probably
4 misreporting the materials or types of ADC used.

5 The Board directed staff to work with the
6 facilities and counties and report back for the progress
7 at this time. So these are the landfills investigated for
8 ADC issues. Puente Hills Scholl and Bradley and Olinda
9 Alpha all had misreporting issues. And Puente, Scholl and
10 Bradley are located in LA County; Olinda alpha in Orange
11 County; and New Way, Live Oak And CalMat Reliance were the
12 two inert facilities that had incorrectly reported ADC.

13 B&J Drop Box in Solano County and Colton and
14 Fontana are San Bernardino County facilities and they are
15 potentially in the Category of overuse.

16 --o0o--

17 MS. RANGE: Just to clarify we wanted to give you
18 a little background, just a reminder, of where this
19 information originates. And for disposal amounts and ADC
20 amounts, the facilities collect the information from
21 haulers and all the facilities then give that information
22 to the county, the county compiles the information into
23 one report and submits that to the Board and to the
24 affected jurisdictions. And that data is put into the
25 disposal reporting system by staff, so basically the

1 information originally comes from the haulers.

2 --o0o--

3 MS. RANGE: So to date this is what has occurred.
4 Since the July Board meeting Board staff has contacted the
5 affected jurisdictions, the counties by telephone to offer
6 assistance in compiling or obtaining the information; a
7 letter was sent to all the landfills in the affected
8 counties in August offering help and requesting revised
9 reports by September 28th. An additional letter was sent
10 to San Bernardino county staff and landfill operators, and
11 the request for the information was extended to October
12 5th.

13 We have received monthly data from the LA
14 facilities. We've only gotten one quarter from Puente
15 Hills, nothing from Scholl Canyon. And then the rest of
16 them had been submitted by October. And to date we
17 haven't received anything additional from Puente Hills or
18 Scholl Canyon.

19 Okay, we're going to the next slide.

20 --o0o--

21 MS. RANGE: So for the facilities that submitted
22 the corrected reports, we compared the original report to
23 the revised reported data, and here we have the difference
24 between what was reported and what was corrected. As you
25 can see CalMat and New Way reported 50 percent ADC. Now,

1 it's zero. And that is it was all removed because of the
2 Board's direction that soil was not to be used as cover
3 material, and it's not an appropriate use of ADC.

4 And Olinda Alpha had included all the beneficial
5 use as ADC, and that data was estimated to be 16 percent
6 ADC.

7 --o0o--

8 MS. RANGE: Bradley had some amounts that were
9 misreported. They went from 24 percent ADC to nine
10 percent. And then B&J Drop Box had 36 percent of total
11 sludge, but part of that was used for lining a new cell.
12 So when it came down to the exact amounts of sludge used
13 for ADC, it was 16 percent.

14 --o0o--

15 MS. RANGE: Of the nine facilities staff
16 investigated, seven were found to be incorrectly reporting
17 the tons of material types of ADC used. And two
18 landfills, Colton and Fontana had made corrections to the
19 origin of ADC and over 7,000 tons of ADC were subtracted
20 from what was originally reported because it was
21 discovered that some of that includes soil.

22 We still have our review of the analysis from the
23 operators for Colton and Fontana, and we'll probably give
24 you an update at the next board meeting on the results of
25 that analysis.

1 And that's all I have to present today. If you
2 have any questions, I'd be happy to answer them.

3 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

4 BOARD MEMBER EATON: When you got these figures,
5 do we then check with Mr. Schiavo?

6 MS. RANGE: Mr. Schiavo --

7 BOARD MEMBER EATON: I just remember Colton for
8 some reason it sticks in my mind. Wasn't Colton the one
9 that had the nine ball fields that said that they didn't
10 do anything, but only mulch their grass, and so therefore
11 they had the diversion of green waste?

12 MS. RANGE: I'm not really certain.

13 BOARD MEMBER EATON: What I mean, what I'm trying
14 to do is that we have different departments and we're not
15 isolated compartments. And somehow if we're going to get
16 to this issue or issues that arise, I'm going to be poking
17 and probing to make sure that we have information from all
18 of our departments, not just from the P&E, and then we
19 have Mr. Schiavo's operation who counts the stuff and gets
20 it there, because one of the issues that's confusing to me
21 is that we have disposable reporting systems that's based
22 upon hauler, and the hauler just comes and dumps, then is
23 it apportioned based upon that, because really it's the
24 landfill that's spreading it, so the landfill knows how
25 much measurement there is.

1 So I'm not going to get hung up because the Chair
2 said there's a lot of speakers, but I think we need to at
3 least have, you know, some coordination here at least with
4 the reporting, because the issue may not be the issue of
5 ADC, but the abuse may be in what games are being played
6 in order to reach the diversion goals. And I think it was
7 Colton or one of the others. I remember having a
8 conversation about the ball fields. And one of those
9 jurisdictions, I'm not sure if it was Fontana or Colton,
10 so what I would like to be able to could is at least
11 somehow have those other -- I know you don't remember.
12 You got too many jurisdictions to remember, you know.

13 I just remember the bad ones remember. I still
14 got the guy getting the cardboard down around the border,
15 so I'm coming back to him at some point.

16 (Laughter.)

17 BOARD MEMBER EATON: But if we could just have
18 some coordination as well, that would be helpful, because
19 I don't understand a reporting system that's based upon a
20 hauler when the issue of at least the ADC and how it's
21 used in the landfill is really the responsibility of the
22 landfill operator and how much is used to cover it at any
23 one point in time. So hopefully we can find that out.

24 CHAIRPERSON MOULTON-PATTERSON: Mr. Schiavo, did
25 you want to say something?

1 DEPUTY DIRECTOR SCHIAVO: I just wanted to say as
2 far as the coordination, Dianne and I coordinate quite a
3 bit in this process. She works in the division under
4 Lorraine. Regarding who's responsible, the hauler
5 ultimately is responsible for informing the landfill
6 operator where the material is derived from, so that's
7 where there's the linkage there and so that's real
8 critical.

9 BOARD MEMBER EATON: I understand that, but the
10 Amount of ADC that's used is not based upon that, the
11 origin of whatever material it is. It doesn't have to be
12 ADC, it just can be any kind of load, right?

13 DEPUTY DIRECTOR SCHIAVO: Right.

14 BOARD MEMBER EATON: So hopefully we'll get into
15 that.

16 Thank you.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
18 Eaton.

19 Thank you. We're going to go to our public
20 speakers at this point. Joan Edwards followed by Mark
21 Aprea.

22 MS. EDWARDS: The first two speakers who agree
23 totally on everything.

24 CHAIRPERSON MOULTON-PATTERSON: That's nice.

25 MS. EDWARDS: Actually, it was a joke.

1 (Laughter.)

2 MS. EDWARDS: I too attended the September
3 presentation by staff in Sacramento resulting from your
4 direction at the July meeting. And I thought the staff
5 did a good job of being very all-inclusive, trying to list
6 as many issues as possible so that they could make sure
7 that they, at least, covered those issues for which there
8 was interest in the room.

9 I came away from the meeting though very
10 distressed at -- well, in part, I guess from the issue
11 that Board Member Paparian mentioned about what was linked
12 to something that needed a legislative fix, because we
13 actually had a discussion about whether it was appropriate
14 for board staff or board members to even be collecting
15 data about ADC.

16 One person said why would you even collect it.
17 It's inappropriate. It's absolutely unnecessary. And
18 there was the implication, not flat out statement, but the
19 implication that some data gathering might even be
20 contrary to 1647.

21 And I think for me, because I see so many of
22 these issues as being very interconnected, not only
23 between permitting and enforcement and diversion staff,
24 but also among the various components of ADC issues, I
25 think data collection and trend analysis is the one issue

1 that everybody should be agreeing on, no matter which side
2 of the fence we sit on.

3 And so for me, for -- and, in fact, I see it
4 almost as the primary role of the Board, because who else
5 is going to be able to collect all this data statewide in
6 an impartial fashion and with sufficient resources to do a
7 good job. And so for me, I would see it as being
8 particularly important to do this kind of data collection
9 and trend analysis and to discuss it in the work group.
10 And I want to give you four examples, I think I mentioned
11 two of them at the July Board meeting.

12 I think that there should be ADC trend analysis
13 that looks year by year by landfill and by ADC type. And
14 I am absolutely certain that if staff had done their
15 report for July, based on the trend analysis from 1996
16 instead of from 1999 to 2000, they would have come up with
17 a completely different list of landfills.

18 I think that there should be an analysis of the
19 percentage of ADC that is attributed to diversion
20 statewide, because I would agree that in many cases it's
21 not abuse of ADC, it's how we're playing with all the
22 components. And I think it is important for the Board to
23 know how a city is coming up with its diversion numbers,
24 whether or not it's legal, whether or not we all agree
25 philosophically, you should at least know.

1 I think Board of Equalization numbers absolutely
2 have to be analyzed, especially because of all this
3 discussion about misreporting. Gee, it was really used
4 someplace else on the landfill, and I do recall one board
5 member last time express surprise that when you combined
6 what one staff person said was accurate ADC numbers with
7 misreporting, that it came out in the high twenties.

8 Well, why be surprised. I'm certain that we have
9 a phenomenal number of landfills that nondisposal
10 diversion use at the landfill is well over 40 percent.

11 These are important issues to analyze, and on top
12 of that, the last one, and maybe the most important in
13 light of recent discussions is the impact of the ADC use
14 on landfill capacity, especially with the discussion at
15 the last select committee hearing when Director Mark Leary
16 talked about what the Board new and didn't know about
17 capacity statewide, because among other things of the
18 impact of cover ADC or not, regular cover and ADC, and how
19 that was a landfill by landfill issue and it depended on
20 the type of cover that was utilized.

21 And yet we have a preliminary report a letter to
22 the LEAs that says for now until we come to a different
23 conclusion C&D, ADC the standard should be 18 inches
24 versus six inches for soil. It's going to make a big
25 difference in some landfills in terms of remaining

1 capacity.

2 So I think there are a lot of issues that we're
3 all interested in, but that's the one that I would hope
4 that there would be a lot of consensus on regardless which
5 of those three groupings the particular issue is put into.
6 I hope we would all agree that we need to do a lot of a
7 research, a lot of sharing of numbers and looking at those
8 numbers when we come to our conclusions.

9 Thank you.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you Ms.
11 Edwards. Mark Aprea followed by Denise Delmatier.

12 MR. APREA: Madam Chair, Mark Aprea representing
13 Republic Services. Madam Chair, Members of the Board,
14 before I get into my statement I'de just like to briefly
15 respond to Ms. Edwards remarks regarding the data
16 collection. And I think that the comments were not why
17 collect data regarding ADC. The comments were directed on
18 the data that was presented by staff in overhead charts
19 that were admittedly incorrect or unknown as to their
20 validity.

21 And so the comments were -- a response by some in
22 the audience was why are we presenting data that we are --
23 that everyone knows is incorrect and has no basis, in
24 fact, so why even present the data. So I think it was
25 within that context that the data -- or the presentation

1 of the data, not the collection of the data was
2 questioned.

3 Madam Chair, Members of the Board in response to
4 a September 5 Board public workshop on ADC, a letter hat I
5 think the Chair and Mr. Paparian alluded to, we sent you
6 on October 5, which was a group letter by public and
7 private solid waste operators, by cities and counties
8 raised concerns about the direction or perhaps better
9 spoken the lack of direction by the ADC workshop.

10 The primary purpose of the workshop we were all
11 told earlier on in terms of July was to ensure that the
12 use of ADC is properly regulated under the Board's
13 statutory authority. Yet the workshop dealt with a myriad
14 of issues that were unrelated, such as special waste,
15 South Coast Air Quality Management District's proposed
16 Rule 1133 and it's effect on composting as well as on the
17 need for statutory changes.

18 In our letter we expressed two principal
19 concerns. One that by introducing issues that are
20 tangential to ADC and outside the Board's statutory
21 authority that it would distract the work of the working
22 group to address the issues of ADC enforcement, and that
23 the Board would not get its job done in that regard.

24 Second, that there was no public notice that the
25 consideration of nonenforcement issues, particularly

1 statutory changes, would be considered.

2 Now, I understand from Mr. Paparian that what he
3 has proposed is that we set out a schedule whereby each
4 subject matter would be discussed on a particular time
5 schedule, but that we would not limit the discussion. I
6 must respond by saying that the proposal that's been
7 brought forward would, in essence, do absolutely nothing,
8 in our opinion. And that what we would merely do is
9 identify that today's issue would be enforcement, but that
10 it would interlaced with whether or not there ought to be
11 changes in statute regarding ADC.

12 We would then go on to north, south issues and
13 discuss those. We would then look at the counting issues.
14 And through each subject matter then we would allow that
15 to, you know, be interwoven with a concern as to whether
16 there ought to be a statutory change on that or some other
17 subject matter.

18 Let me submit to the Board that what would be
19 more appropriate is, and that's it's clear, we all know
20 that we want to talk about whether or not there ought to
21 be a statutory change. Therefore, let submit to you that
22 we ought to discuss a statutory change and have it, you
23 know, front and center, have it discussed, have any and
24 all issues that people want to discuss as to whether there
25 ought to be a statutory change and not let it bleed over

1 into the other areas, because Mr. Paparian I would submit
2 to you and Members of the Board that we will have is the
3 same meeting that we had on the 25th, except broken down
4 into some subgroups, but we will always be discussing
5 whether or not there ought to be statutory change and how
6 to discuss it and when it would be appropriate.

7 There ought to be some discipline and focus as
8 the chair talked about so that we do address these issues,
9 and so people know that on such and such a date, we're
10 going to discuss enforcement or we're going to discuss how
11 we count it, and so on and so forth. And that we don't,
12 in essence, have on each and every meeting an opportunity
13 to discuss a statutory change.

14 That would be our recommendation to this Board.
15 And I think it addresses both Mr. Paparian's interests in
16 that any and all issues that may affect ADC are
17 considered, but allow this to be, in essence, the Board's
18 work of enforcing the statute to get done and to get it
19 done appropriately. So it was with that I'll conclude,
20 Madam Chair, and I'll take any questions from members of
21 the Board.

22 CHAIRPERSON MOULTON-PATTERSON: Did you have a
23 question, Mr. Paparian?

24 BOARD MEMBER PAPARIAN: I just wanted to try to
25 help explain where I'm trying to go with this. We're

1 talking about -- I think the Chair suggested having
2 agendas for these meetings where certain topics would be
3 discussed. If in the context of that topic someone brings
4 up something that might require a legislative change, I
5 don't want that meeting to get stopped and bogged down by
6 whether that person has the right to bring that up or not.

7 I think let them bring it up. Let staff compile
8 it in the information that they're bring to present to us
9 and then move on. You know, if someone in the area of --
10 well, what did you mention, enforcement might come up. If
11 someone in the are of enforcement says hey, you know,
12 maybe the Board ought to have more enforcement authority
13 here, that might require legislation, I don't think that
14 that meeting should be stopped and that be stricken from
15 the record. I think that input should allowed to come
16 forward, but not, you know, hang up the meeting.

17 MR. APREA: Mr. Paparian, I think what we're
18 responding to is by allowing that to come forward and then
19 be discussed at that meeting that will bog that meeting
20 down and the discussion as to the statutory change, the
21 presumptions of it.

22 The alternative would be, that's a good point, we
23 have a meeting scheduled to address statutory changes that
24 may be required on any number of subject matters relative
25 to ADC and whatever that date and time and place is that

1 that discussion would be then deferred and taken up in as
2 much detail as possible, because it appears to me that,
3 you know, the conversation you and I are having here and
4 that was had at that meeting indicates that there's a lot
5 of interest in that subject matter.

6 And I think unless the Board gives direction to
7 be disciplined in terms of its approach, that we'll find
8 that each and every meeting will be a debate about
9 statutory change and not the underlying concern, perhaps.

10 CHAIRPERSON MOULTON-PATTERSON: So you're saying
11 that we could have one meeting on statutory changes and
12 just --

13 MR. APREA: Absolutely, Madam Chair.

14 CHAIRPERSON MOULTON-PATTERSON: -- let everybody
15 get their feelings out, but not to bog down each and every
16 meeting.

17 MR. APREA: Because I fear that the issues that
18 are immediate counting the numbers, you know, who's doing
19 what and so on and so forth. All those other issues that
20 deal with your existing statutory authority regulation,
21 policies, procedures, enforcement of the existing statute,
22 ADC's affect on compost and any of the other issues, that
23 all those issues will get bogged down as to whether well
24 was that in the statute, was it not, and so on and so
25 forth.

1 So I think, Mr. Paparian and Members of the
2 Board, that it would be best to have all statutory changes
3 relegated to a single meeting. And if it requires
4 several, so be it. But I think to the extent that you
5 bifurcate all these issues, that you'll have much more
6 success in your role as an enforcement body and a
7 regulatory body.

8 BOARD MEMBER PAPARIAN: Mr. Aprea, what are you
9 suggesting be done, if somebody is making a presentation
10 to this group, and somebody in the group thinks that ah,
11 what they're saying might require a legislative change.
12 Do you stop the meeting and tell that person they can't
13 discuss that, they can't bring it up?

14 MR. APREA: I'm suggesting, Mr. Paparian and
15 Members of the Board, that it would be best that any
16 statutory change be deferred to that meeting. That means
17 that if you're discussing enforcement, that that's an
18 enforcement issue under existing statute. If it's an
19 enforcement issue that you say well, gee, I don't like the
20 enforcement authority that we have, that would require a
21 statutory change, yes, I am suggesting that that be put
22 off to another meeting.

23 BOARD MEMBER PAPARIAN: And just, we've had this
24 conversation before, but I do have a big problem with
25 that. From my observation of the workshop that already

1 happened, these workshops will get bogged down by debates
2 over whether something might require a legislative change
3 or not.

4 MR. APREA: I agree with you, Mr. Paparian.

5 BOARD MEMBER PAPARIAN: You'll be stopping the
6 meeting and debating with the whole room whether the item
7 being discussed is something that requires a legislative
8 change, and therefore has to move to a different meeting,
9 instead of just moving on with the items at hand.

10 My suggestion would be let people have their
11 time, you know, probably some time limit three minutes or
12 five minutes, let them say their piece, let the staff hear
13 that input. If you want to use your time to challenge,
14 you know, the person before you, fine. If you wanted to
15 present something else, fine.

16 But just let it happen rather than bog down the
17 meeting with some parliamentarian trying to determine
18 whether something that requires a legislative change or
19 not. It seems like a waste of time to me.

20 MR. APREA: Mr. Paparian, with all due respect,
21 by letting it happen, it will by definition bog the
22 meeting down.

23 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you,
24 Mr. Aprea.

25 BOARD MEMBER PAPARIAN: I disagree with you. I

1 think the people who I saw participate are mature
2 individuals who can handle this kind of stuff.

3 MR. APREA: I wasn't commenting on the maturity.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
5 lot more speakers.

6 Thank you.

7 MR. APREA: Thank you.

8 CHAIRPERSON MOULTON-PATTERSON: Denise Delmatier
9 followed by Grace Chan.

10 MS. DELMATIER: Good afternoon, Madam Chair and
11 Members of the Board, Denise Delmatier with NorCal Waste
12 Systems.

13 First of all, I want to just say that this is an
14 important issue that's been debated for years, both before
15 this Board and before the Legislature.

16 This work group that has been directed by the
17 Board to be established to conduct business on behalf of
18 the Board is a very important matter. And it's
19 imperative, it seems to me, that we give this work group
20 the best ability to succeed. We are advocating strongly
21 that we give this workgroup all the tools necessary to
22 succeed. We want it to succeed.

23 However, having said that, and referencing the
24 workshop that Ms. Edwards and Mr. Aprea and others have
25 alluded to, yes that workshop did get bogged down in

1 legislative debates.

2 And a lot of discussion and a lot of time was
3 spent redebating a legislative matter whether or not AB
4 1647 should have ever been passed and all those related
5 issues on legislative strategies and legislative matters.

6 I agree with Mr. Paparian and with the Chair that
7 we ought not to limit the discussion as far as whether or
8 not something should be discussed as a legislative
9 proposal, but I agree strongly with Mr. Aprea and the
10 Chair that we ought to set aside time specific for people
11 to bring forward proposals, potential changes and
12 legislation.

13 Now, I think we can finesse this both from Mr.
14 Paparian's perspective as well as the Chair's perspective,
15 in that when we bring up -- when we set times, schedules,
16 agendas, focus of agendized matters, subject matters, we
17 have that generic policy discussion. But as someone then
18 suggests, I'd like to suggest a potential legislative
19 change. Rather than, and it will happen, I assure you,
20 Mr. Paparian, rather than get bogged down in that
21 legislative discussion at that point, continue the policy
22 the subject matter discussion but not the legislative
23 discussion.

24 Save that for a separate time, separate place and
25 we can have that discussion at length ad nauseam, but not

1 limit the discussion as far as the generic policy subject
2 matter discussion.

3 If we don't do that, I strongly believe, in
4 speaking from experience on these matters, we will
5 definitely, most certainly set up this work group to fail.
6 And it will not be able to proceed forward and come to
7 this Board in a timely fashion with recommendations and
8 options for the Board to act on.

9 As we all know, the Board is under increased
10 scrutiny and increased critique, both from the State Audit
11 and from the select committee. And that's why it is so
12 important that this work group succeed.

13 I want to switch subjects at this moment and
14 address the mention of the B&J facility on the disposal
15 reporting system.

16 The revised numbers reflected a 16 -- that's one
17 of our facilities, obviously. The revised numbers
18 reflected a 16 percent ADC usage. And one of the things
19 that I'd really like to see and I think all the board
20 members would agree, that I'd really like to see come out
21 of this work group are good, constructive recommendations
22 on how to do the numbers.

23 I can tell you that at the B&J facility a lot of
24 sludge is accepted from haulers and is weighed at the
25 gate. Now, when that sludge is actually supplied for ADC

1 usage, there is at least a minimum of 45 percent reduction
2 in weight when it actually is applied, and actually only a
3 portion of the sludge is going to be used for ADC in -- as
4 mentioned earlier, you may have information coming from a
5 hauler that here's a bunch of stuff coming in, potential
6 use for ADC. It's weighed and the numbers are given the
7 hauler, but it's the landfill operator that makes the
8 decision on how much and under what circumstances, at what
9 point in time that this amount is actually going to be
10 applied and used as ADC.

11 So there's a lot of issues, important issues,
12 substantive issues that need to be addressed.

13 And if we're going to do it successfully, we've
14 got to give the work group the ability to succeed and not
15 set it up to fail. And I think if we don't provide some
16 focus and some parameters and some direction, I can
17 guarantee that the work group will not be able to act in a
18 successful fashion.

19 I'd be happy to answer any questions.

20 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

21 BOARD MEMBER PAPARIAN: Thank you.

22 Let me just try to clarify again. The work group
23 is to provide input for the staff. Staff is going to
24 compile that input and present it to us.

25 We're not looking for the work group to reach a

1 consensus on the items, but rather to help present the
2 universe of issues in the context of the list of areas
3 that we ask to be looked at.

4 Although the debate may be spirited in the work
5 group meetings, the effort here is not to get the work
6 group to reach a consensus but rather to present us
7 through the staff the range of issues involving ADC.

8 MS. DELMATIER: Right. But we've also provided
9 The work group with a time frame in which to report back
10 to the Board. And if we don't provide the work group with
11 the ability to focus its attention on issues, and not to
12 get bogged down in these legislative debates, we won't get
13 there in the time frame allotted, because we'll spend all
14 the time debating on these legislative issues.

15 And that's why it's important for the work group
16 to succeed in the time frame allotted. Now, we could
17 spend the next year debating legislative issues and give
18 as much time as possible for those kinds of discussions.
19 But at the same time, you've got the select committee
20 looking at us, you've got the State Auditor looking at us,
21 and we've already set up, by your own direction, a time
22 frame by which this work group must report back.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 Grace Chan and then Michael Miller council
25 member.

1 MS. CHAN: Good afternoon, Madam Chair and Board
2 Members. My name is Grace Chan and I'm here today
3 representing Los Angeles County Sanitation Districts and
4 also the Solid Waste Association of North America.

5 And I'd just like to briefly voice our strong
6 agreement with the remarks of Mr. Aprea and Ms. Delmatier.
7 And I won't repeat those in the interests of time.

8 With respect to the sanitation districts' ADC
9 programs, regulatory compliance is extremely important to
10 us, and we're anxious to get the Board staff any data or
11 information they need to assure you that the material is
12 being properly handled in the field.

13 Unfortunately, the member of our staff who is the
14 day-to-day manager of the database has been in the
15 hospital and that's hindered our ability to get the
16 information to you. That staff member is now back at work
17 and we're doing everything that we can to expedite that
18 information.

19 And lastly, we look forward to working with the
20 Board staff and the Board and the LEA's on other ADC
21 issues in the future.

22 Thank you.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
24 Chan.

25 Michael Miller, Council Member, City of West

1 Covina, followed by John Richardson.

2 WEST COVINA CITY COUNCILMEMBER MILLER: Thank
3 you, Chair and Committee Board. Many of you know that for
4 24 years I was in the waste business on the other side, I
5 was staff. And it seems like we talk about process a heck
6 of a lot more than we talk about solutions. And I think
7 today's discussion may raise it to a new level.

8 I'm now an elected official. I see it in a
9 different light, not just from a technical standpoint,
10 from a practical standpoint. I realize today is
11 discussion and input. No action is taken on the ADC, but
12 I look at the practical impacts that an elected official
13 would be looking at when you consider any changes.

14 First of all, the available options that we have.
15 If you eliminate ADC, what will we have? Do we have
16 markets for it? I don't think so. Do we have enough
17 facilities? I don't think so. The economics of it is
18 very clear. Right now when ADC green waste is taken to a
19 landfill in LA county, ADC is half the tipping rate, and
20 it's a shorter haul.

21 If you proceed to go to a composting operation,
22 and assuming one exists, undoubtedly the tip fee is going
23 to be double, the haul will be longer, which means the
24 rate payer is going to have a much higher rate on their
25 monthly bill.

1 So I'm looking for economics. I'm looking for
2 costs effectiveness. I'm think the elected officials are
3 also looking for what are really the available options,
4 what are practical in light of economics and cost
5 effectiveness. The cities are diligently trying to do the
6 job the best they now how given the rules, given the
7 system that we have out there, working with the private
8 sector, working with the waste haulers to come up with an
9 option. We need the input. We need the cooperation of
10 all the players, all the stakeholders.

11 I think you need to have elected officials, in
12 some fashion, represented in your discussions, not just
13 the representative from CSAC or from the League of
14 California Cities, because we're the ones that are on the
15 front line not Sacramento, not the representatives for the
16 CSAC or League of California Cities.

17 As of right now, I'm trying to get on the front
18 line. I'm involved now with SCAG and the San Gabriel
19 Valley of Council of Governments as well as League of
20 California Cities on environmental and waste issues. And
21 I would like forward to the opportunity to be able to work
22 on this issue, which seems to me that we were talking
23 about markets, cost effectiveness and options 11 years ago
24 when this thing was first put into place.

25 Thank you.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you,
2 councilman.

3 John Richardson followed by Paul Glass.

4 MR. RICHARDSON: Good afternoon, Madam Chair and
5 Board Members. My name is John Richardson. I'm with
6 Community Recycling and Resource Recovery. Community is a
7 recycler of many waste materials. We operate a compost
8 facility in Kern County. Kern only handling approximately
9 1,800 tons per day of organics feed stocks.

10 Green waste ADC is a direct competitor for the
11 green waste we use as our feed stock. Our facility is
12 permitted for 3,600 tons per day and we are actively
13 attempting to find additional feed stocks for this
14 facility.

15 However, as the community has approached many of
16 the Southern California cities and haulers, we find out
17 that we cannot compete with the discounted fees currently
18 charge by several of the local landfills for use as ADC.
19 We believe that composting green waste is a higher use and
20 keeps the material out of the landfills in any form.

21 Community also has installed a new construction
22 materials recycling facility at our Sun Valley plant. It
23 is cable of processing 2,000 tons per day of recovered
24 materials, and it's capable of achieving -- or has been
25 achieving an 85 percent recovery rate.

1 We are only operating at 50 percent of capacity
2 currently. We are now concerned that we will be unable to
3 compete with landfill ADC use for C&D materials,
4 especially if landfills, again, offer discounted rates for
5 taking this material in.

6 Community Recycling has invested millions of
7 dollars in facilities and is concerned about this
8 investment, especially if we continue, by we I mean the
9 State, continues to allow materials that can be recycled
10 to be potentially abused and put into landfills at a
11 discounted rate and still count as recycling. I would
12 hope that the Board would aggressively regulate and review
13 ADC use and potential misuse.

14 Thank you.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 BOARD MEMBER EATON: Madam Chair, Could I ask a
17 question.

18 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

19 BOARD MEMBER EATON: Do you have -- I don't mean
20 to pry into your proprietary contracts but do you have a
21 contract with Cal State Bakersfield.

22 MR. RICHARDSON: No, we do not.

23 BOARD MEMBER EATON: Perhaps, maybe -- you know,
24 we had a couple of months ago, they were having a problem
25 where they wanted us to investigate, because they had a

1 high inordinate amount of green waste that they were
2 looking to get rid of, if you -- perhaps maybe you should
3 talk to them if you have a shortage, that's very local.

4 MR. RICHARDSON: We will. We'll do that.

5 Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
7 Eaton.

8 Paul Glass, County of San Bernardino followed by
9 Patricia Gallagher.

10 MR. GLASS: Thank you, Madam Chair, Members of
11 the Board. Just a couple comments. One, we will continue
12 to work with staff in resolving our potential over use of
13 ADC and Pat Gallagher will address that.

14 I'd like to just offer a few comments, as we go
15 through this process of looking at the use of green waste
16 ADC. And I have really three points to make.

17 One is staff has expressed some concern that, in
18 their report, that the potential overuse of ADC may
19 seriously impact composting and other facilities that
20 compete for the same feed stock that is being used as ADC.

21 I'd just like to make a point here at least based
22 on our experience and based on our review of records on
23 green material, ADC that's used at our two county
24 landfills, the Fontana and the Colton site. We have found
25 that 75 percent of the material at our Fontana Landfill

1 and 100 percent of the green waste material at the Colton
2 landfill is coming directly from the compost operations
3 and facilities.

4 The second point I'd like to make is that the
5 Board item states that the staff has conducted an
6 extensive survey of businesses producing compost, mulch,
7 ADC and other products, but did not obtain information on
8 the economic impacts of ADC use on their businesses.

9 I think my recommendation here would be that I
10 think it would be prudent and just a valid research
11 technique that we would recommend that a review of the
12 economic impacts on composting and mulching businesses be
13 performed before any new policies concerning green
14 material ADC use are adopted.

15 And my last point is that the Board item proposes
16 or indicates that perhaps a ten percent threshold on ADC
17 usage should be the threshold -- any usage above ten
18 percent would be flagged as a potential over use and would
19 be investigated.

20 We will provide material to our background
21 calculations to staff, but I would like to make the point
22 here that in our review of ADC usage, we believe that this
23 is artificially low. Our waste to cover calculations, at
24 least for our mid-valley site, and that's the one we
25 looked at intensively, indicate that this would generate a

1 result of less than a six inch thick cover of application
2 and approximately half the statement minimum standard.

3 So I think the ten percent may be okay for a
4 generality, but I think it's going to be really related to
5 site-specific conditions, and I'd like to thank you for
6 your attention and let Patty Gallagher address some of the
7 technical details.

8 Thank you.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.

10 Patricia Gallagher followed by Chuck Tobin
11 followed Chuck Helget and Mike Mohajer.

12 MS. GALLAGHER: Madam Chair, what we wanted to do
13 is just briefly Tell you what the calculations that we
14 did. We tried to do it more as a spacial volume
15 calculation much like what is done for permitting and site
16 life capacity.

17 In dealing with site capacity, et cetera, we
18 generally look at volume.

19 (Thereupon an overhead presentation was
20 presented as follows.)

21 MS. GALLAGHER: So what we did is this is a
22 representative of what mid-valley looks like. It's a 3 to
23 1 slope, so this is just a picture of what the typical
24 slope is like at the site. What happens in this model,
25 and this is a very basic version, is what we do is we show

1 the waste being laid on top of the slope, and then we take
2 this waste prison and start doing an analysis of what it
3 takes to cover this waste.

4 --o0o--

5 MS. GALLAGHER: What we came up with our prison,
6 is we came up with the waste being in contact with the
7 landfill slope and the landfill working phase or table on
8 two sides and four sides required cover. So we have this
9 transparent white box over the waste, that represents the
10 cover.

11 For our estimates, we looked at the more maximum
12 figure. We looked at about a one foot thick cover and
13 tried to assess that number. As we did the analysis, we
14 estimated approximately a three-foot thick depth of waste.
15 Surface area will change depending on whether this number
16 is larger or smaller.

17 The length of slope based on it being a 15 foot
18 high elevation. It came down to a 47 length of slope.
19 And then the actual width on the slope of the working face
20 was based on the amount of tonnages coming into the site.

21 That varies per day, per quarter.

22 --o0o--

23 MS. GALLAGHER: As we continued on, we then
24 estimated having the volume of the waste, we estimated one
25 foot beyond that on the four sides that needed cover, we

1 then estimated what the volume of the cover material was.

2 For calculations what we did to make it easy on
3 this model is we subtracted -- we calculated the entire
4 prison, waste and cover, and then subtracted the waste
5 prison that we already knew.

6 --o0o--

7 MS. GALLAGHER: When we did that, we got the
8 remaining number value was the value of the cover
9 material. And for mid-valley those figures are showing up
10 as being anywhere between 26 and 28 percent of the
11 material coming into the site is used as cover, just based
12 on filling. This model and using some standard practice.

13 --o0o--

14 MS. GALLAGHER: So we don't believe that running
15 ten percent, 15 percent at least on this site isn't
16 practical, if we're using ADC as a daily application.

17 And that's pretty much it.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you very
19 much.

20 BOARD MEMBER EATON: Can I just ask one quick
21 question.

22 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

23 BOARD MEMBER EATON: Did you reduce it then by
24 the minimum standards by which you could apply the amount
25 to --

1 MS. GALLAGHER: When I looked at six inches of
2 cover, I came up with at least 13 percent was necessary on
3 the site. And this is just a very simple face, because
4 there are times when we divide that working face into two
5 separate areas, that's obviously going to need more cover.

6 BOARD MEMBER EATON: What I'm trying to get to is
7 that these calculations, you know, as an operator, you
8 know what you need to cover a particular area each day,
9 correct?

10 MS. GALLAGHER: Not each day, because the
11 tonnages vary everyday, but yes we know what the average
12 is.

13 BOARD MEMBER EATON: What I'm trying to get at,
14 because this is an important point, members. What I'm
15 hearing, at least through this model is that there is a
16 finite number of ADC that can be used, based upon what
17 you're able to receive the maximum daily. So if you
18 calculated a maximum daily under your permit, under your
19 theory, you could somehow mathematically get to a finite
20 portion.

21 And what I'm trying to say is on a statewide,
22 based upon our own permits and what we allow in each
23 landfill, that there is a finite number, as it relates to
24 ADC, with some variation.

25 And that's what I just want to see if your model

1 is valid, and we'll probably take it up in the workshops.
2 But if that's the case, then we know exactly how much ADC
3 there is or possibly potentially could be.

4 Obviously, if you don't reach your maximum
5 everyday, but you would know what your maximums could be.
6 And therefore, anything over that, you wouldn't even have
7 to include. We wouldn't be having to have a debate on,
8 you know, changes or anything, because you already know
9 what -- if you were to use all that as ADC as cover.

10 MS. GALLAGHER: To some point, yes, but it does
11 depend on site specific conditions. It also depends on
12 what's happening in that particular day, because if you
13 change the shape of the waste cell for that date, then it
14 does change the surface area, and it will change the
15 amount of cover that's required.

16 BOARD MEMBER EATON: Right. So in other words,
17 what there would be is there would be a deviation of no
18 more than one or two percent based upon your engineering.

19 MS. GALLAGHER: The second issue is the density
20 of the material, because we have a wide variety of
21 material that comes into the site. It's gone anywhere
22 from a paper pulp material to material that's very dry and
23 woody to material that is extremely thick with grass and
24 very wet.

25 And I think each of those material is different,

1 so if you tried to just say based on tonnages into the
2 site and the working area, can you put a cap on the
3 tonnages of the ADC, you'd have to know the nature of the
4 ADC coming into the site.

5 BOARD MEMBER EATON: I'm not trying to get at a
6 cap. I'm trying to get at that you have come up, at least
7 with what was presented here is a formula that there is a
8 finite amount of cover for your landfill. And what I'm
9 just trying to say is that on a statewide basis is one
10 who's been involved in this issue, that there's a finite
11 amount of cover as it relates to what permits we issue
12 that can then be applied for purposes of minimum state
13 standard. And then from there, you reduce that by what
14 amount is ADC and what amount is not ADC, and anything
15 over that that's reported that gets to your calculation.

16 MS. GALLAGHER: I think one of the problems is is
17 that the ADC as it's being reported and as it's being
18 evaluated in the disposal reporting system is based on
19 tonnages not on volume. And the volume and the density of
20 that material does change based on the material. So is it
21 a hard and fast rule, I would say it's way to early right
22 now to tell.

23 BOARD MEMBER EATON: Thank you.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you very
25 much.

1 Chuck Helget -- excuse me, Chuck Tobin first then
2 Chuck Helget.

3 MR. TOBIN: Good afternoon. I'm Chuck Tobin with
4 Edco Burrtec. We're the largest private waste company in
5 the State and we also are the operator for the San
6 Bernardino County Landfill System. I'd second everything
7 that Ms. Glass, and your previous two speakers had to say,
8 Ms. Gallagher. That is exactly our experience.

9 But two items I'd like to talk about. One is
10 that we were hoping that the Board would have directed
11 staff to have a workshop in the south.

12 CHAIRPERSON MOULTON-PATTERSON: I was planning on
13 doing that.

14 MR. TOBIN: So it was only because, of course, as
15 you're all aware, we had some events in early September.
16 The workshop was in the north. I think if you look at the
17 people who actually attended is who would have attended,
18 you get a little different.

19 But it's not so much that it was that the working
20 group is being selected out of those people who came to
21 that initial workshop, so for those of us who weren't able
22 to do that, such as myself, we kind of feel like we're on
23 the outside looking in.

24 We would like to be part of the working group.
25 We believe that if the Board were to give staff direction

1 to in some manner address that issue, it, again, was a set
2 of circumstances none of wanted to be in but it was
3 nonetheless there.

4 Secondly, I think it is important that you do
5 look at what the economics are and the green waste and the
6 wood processing arena insofar is that it has been exactly
7 our experience that green waste ADC is one market product
8 of the these processors. And, in fact, it's a fundamental
9 component of their economics. They need that outlet in
10 order to survive economically.

11 What we have tried to do, because we're both a
12 hauler and a transfer station operator and a material
13 recovery facility operator and now landfill operator is to
14 foster their development, which is to say to provide them
15 as many outlets as we possibly can. That's how we
16 initially got involved in this issue six, seven years ago.
17 When the Bustamante legislation first came around, we were
18 looking to assist those green waste processors, and we
19 believe that ADC was an outlet that would provide them
20 with a stable set of economics to be able to grow their
21 own facilities.

22 We believe that that has absolutely happened,
23 that we now have processors -- that are very much
24 collected to our fill operations and are very happy to be
25 connected, so I would certainly hope that staff as they do

1 their analysis of the processors will be able to get both
2 sides of the story with respect to the processors, because
3 we believe that there are more than one side when it comes
4 to green waste processors.

5 Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
7 Tobin.

8 Chuck Helget and our last speaker is Mike
9 Mohajer.

10 MR. HELGET: Madam Chairman and Members of the
11 Board, Chuck Helget representing Allied waste. I'm going
12 to agree at least in part with one of the comments made by
13 Joan Edwards, in part. And she noted that data collection
14 trend analysis is something everyone should support. And
15 I think that's true with one qualification and that is
16 that it should be accurate in data collection and accurate
17 trend analysis.

18 If there is one point that came out of the
19 workshop and one point that's come out of the discussions
20 today, of significance and it's one point that's brought
21 out in the key issues and findings in your staff item, and
22 it's that, and five those seven items, by the way, relate
23 to this and that is that disposal reporting system is
24 flawed.

25 And unfortunately, as we went through the

1 workshop and as we go through the discussions today, we
2 are basing a lot of conclusions and directions to staff in
3 what we're going to be looking at on flawed information.

4 And so I would submit to the Board that it's very
5 important. The process discussion that has been led by
6 Mr. Paparian and the Chairwoman is a very important
7 consideration. And I would submit in your deliberation
8 that you should start first with fixing the disposal
9 reporting system, taking staff recommendation number 6,
10 put that at the front of the list, because unless we get
11 an accurate database for you and your consideration
12 throughout this process, we're not going to get any place.

13 I would submit that there should not be a lengthy
14 discussion of legislative changes to a system based on
15 faulty information. We should have that discussion about
16 the need for legislative changes but it should occur, I
17 would submit, in a logical process. Let's get the data
18 right first, then let's go through and discuss these
19 issues.

20 And, Mr. Paparian, if there's a need to discuss
21 legislative issues, bring them up in the sequence of these
22 workshops that are being proposed, put them on the table,
23 but defer them until the end of the discussion, until
24 we've gotten through a lot of the other regulatory changes
25 that could be made. I would submit the hierarchy of maybe

1 the things you should look at are first what are the
2 policy changes that the Board can deal with and can do
3 quickly.

4 Secondly, what are the regulatory changes that
5 may be necessary to implement though policies.

6 And finally, are there legislative changes that
7 are needed.

8 And I think if you put it in that sort of a
9 sequence, I think then we get to some, not necessarily
10 agreement on these issues, but you've put some order into
11 the workshops, into the working groups, you created order
12 out of chaos.

13 And, Mr. Medina, I would, again, comment on your
14 question about standardized reporting. It gets right to
15 the heart of what I'm trying to talk about. We need
16 something, standardized formats that we've got accurate
17 information, before we draw conclusions about ADC abuse,
18 and then everybody is running around alleging that this
19 occurred here and this has occurred there and the numbers
20 are all messed up.

21 Thank you.

22 CHAIRPERSON MOULTON-PATTERSON:

23 BOARD MEMBER PAPARIAN: Madam Chair.

24 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

25 BOARD MEMBER PAPARIAN: I think there's a kernel

1 of agreement here that I don't want to lose. The
2 suggestion you made, Mr. Helget, was that as is it
3 workshops proceed if somebody brings up something that
4 might involve legislation you put on it the table but
5 defer discussion until the end that's what I heard you
6 say.

7 MR. HELGET: Yes, sir.

8 BOARD MEMBER PAPARIAN: That sounds wonderful to
9 me. The thing I want to avoid is having somebody cutoff
10 so they can't even put the issue on the table, can't even
11 have the words come out of their mouth. That's what I
12 want to avoid. I want to avoid having staff getting in
13 this policing parliamentary role of having to decide
14 whether the words coming out of someone's mouth should be
15 allowed to come out of their mouth.

16 But I agree that in the structured discussion
17 that if we're discussing certain items and something comes
18 up involving legislation, if we want to put it off to a
19 legislative discussion at the end of the process, that's
20 fine. I just don't want to stifle the person who's
21 bringing that up either knowingly or unknowingly.

22 MR. HELGET: If we could limit it to maybe ten
23 words something like that it might be.

24 (Laughter.)

25 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.

1 Helget.

2 Mr. Mohajer.

3 MR. MOHAJER: Good afternoon, Madam Chair and
4 Members of the Board. My name is Mike Mohajer. I
5 represent Los Angeles County and the Los Angeles County
6 Integrated waste management task force.

7 Chuck, a minute ago, mentioned disposal reporting
8 system. I have been coming before this body at least for
9 the last three years continuously discussing and
10 mentioning the difficulty and the problem of the disposal
11 reporting system. And hopefully this working group would
12 be able to consistently recommend SB 2202. But I just
13 want to repeat we sent a letter to the Board as and we
14 were one of the signatories on that letter of October 5th.

15 We are in support of what was mentioned by Mark
16 and Denise Delmatier. And we are also, on behalf of the
17 county, we would submit a request that we do want to
18 participate in the working group and we would assist
19 having a location in our facility if that's what the Board
20 so desires.

21 And hopefully, we can become this issue of the
22 disposal reporting system and the ADC and the forms and
23 that sort of thing resolved. And I fully agree with you,
24 Mr. Medina, we should have a uniform disposal reporting
25 system throughout the State, and I mentioned that last

1 July in Long Beach as well.

2 So having said that, I just wanted to say
3 something that is maybe politically not correct, I want to
4 congratulate Mark Leary for his appointment, and I think
5 he's an excellent choice and he's a winner.

6 Thank you.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you. And
8 we do have one final speaker, Kelly Astor.

9 MR. ASTOR: Thank you Madam Chair and Members.
10 Kelly Astor on behalf of the California Refuse Rural
11 Council and also several local trade associations of
12 haulers.

13 Very simply, Chuck Helget nailed it with his
14 comments, I know our own analyst, Paul Ryan has evaluated
15 a lot of the data that the Board has generated through its
16 effort thus far. And we do conclude similarly there are
17 flaws in the data. I think your key issues in findings
18 and summary bears that out.

19 So once again before we March towards too much
20 discussion about how all this ought to be repaired
21 legislatively, we're very anxious to get the data
22 corrected and righted.

23 Secondly, with regard to process, let me just say
24 that I too participated not in the September 25th
25 workshop, but in others, and I know that those on behalf

1 of industry who will be active on your committee will
2 certainly do all they can to keep constructive discussion
3 going, but sometimes pains us and my forum isn't usually
4 the Waste Board, it's the Legislature, is a lot of people
5 that lose the arguments over there then come over to the
6 Board and try to get relief where it's the wrong place to
7 seek that relief.

8 Those that don't like ADC legislation in the
9 first place often get a seat at the table and I guess we
10 have to hear them out. But frankly those of us that are
11 committed to it who are true stakeholders, who have
12 contract obligations on the line and who are the ones
13 doing the actual recycling, we aren't there just for
14 philosophical reasons, we're the ones that want to see
15 something come of this. We want to see the program work.
16 We want abuses caught and terminated, but at the same time
17 we are sometimes reluctant to engage in a lot of
18 philosophical discussion about what ought to be.

19 And those things tend to distract and delay the
20 discussions at those hearings. So I hope that we can
21 accommodate date Mr. Paparian's point of view and have a
22 certain amount of discussion about potential fixes, but
23 that the focus of these meetings will be truly getting at
24 the core numbers so that you can understand what the
25 policies are and how they ought to work.

1 Thank you very much.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
3 Astor.

4 Any final board comments before I try and kind of
5 summarize what I think we'd like to do?

6 Julie, first of all, how do you get on the group?
7 I heard from a lot of people that they wanted to be at the
8 first meeting, but because of the September 11th tragedy,
9 they could not be.

10 DEPUTY DIRECTOR NAUMAN: I had asked Scott and he
11 can elaborate on the process, since he handled it, but
12 based on the comment that was made earlier, it was my
13 understanding that the staff had sent out notice of the
14 September 25th meeting, as well as notices of interest to
15 sign up for this work group to our entire mailing list.
16 It was not limited to those who were able to attend the
17 September 25th meeting. So we're open. We have --

18 CHAIRPERSON MOULTON-PATTERSON: So it is open.

19 DEPUTY DIRECTOR NAUMAN: We had sent invitations
20 to, you know, as wide as we could cast that net, and so
21 what we got we assumed were all the people from throughout
22 the State who were interested in working on this group,
23 and Scott --

24 CHAIRPERSON MOULTON-PATTERSON: But it's still
25 too late to work the group?

1 DEPUTY DIRECTOR NAUMAN: Well, Scott do you want
2 to inform the Board about the process.

3 MR. WALKER: All the meetings of the work group
4 and review team will be publicly noticed so anybody could
5 come and provide input and that's how we plan on handling
6 it.

7 CHAIRPERSON MOULTON-PATTERSON: Were you planning
8 on having a southern California meeting?

9 MR. WALKER: Correct, yes. And I think it was
10 nice to hear Mike offer facilities for it, because that's
11 our first question in order to get that set up.

12 DEPUTY DIRECTOR NAUMAN: Madam Chair, I also just
13 wanted to indicated that it been our intent all along to
14 have these meetings of the working group facilitated so
15 that we would have some expert assistance for our program
16 staff in keeping the discussion to the topics that were
17 you on -- you know for the focus of the day and to try and
18 work through the entire agenda and not get bogged down on
19 process questions.

20 Mark and I were just talking during some of the
21 testimony and also would suggest that we also make
22 available the tool of submitting written comments to the
23 staff for those who maybe couldn't attend the meeting or
24 perhaps felt that there wasn't sufficient time to have all
25 of their ideas laid out during the meetings.

1 So we're open to utilizing lots of different
2 approaches in getting everyone's best ideas, so that the
3 staff, as Mr. Paparian has suggested, also all input that
4 we synthesize and bring back to you.

5 We have a sense of the comments that we've heard
6 today, but we feel confident that we can work through the
7 issues that have already been defined. They were defined
8 in that first meeting, and that we can manage the working
9 group working sessions and come back to you in February
10 with the results of our collective efforts.

11 CHAIRPERSON MOULTON-PATTERSON: So you can come
12 back to us in November with a list of what you're going to
13 be discussing when --

14 DEPUTY DIRECTOR NAUMAN: We could come back in
15 November with a list, with the work plan. We could see
16 meeting by meeting, location by location what we feel we
17 can accomplish in the time frame we've set out in the
18 working group.

19 CHAIRPERSON MOULTON-PATTERSON: And I think that,
20 you know, certainly if something comes up that meets a
21 legislative fix, I think I'm in agreement with my
22 colleague, you would note it, but there would be a meeting
23 or two just dedicated to that. Would that be okay?

24 BOARD MEMBER PAPARIAN: Yeah, that's fine.

25 DEPUTY DIRECTOR NAUMAN: I think there was one

1 clarifying -- there was discussion about we're going to
2 let people, without out issues on the table, we'll talk
3 about and the process by which we affect those changes,
4 may be legislative, they may be regulatory, whatever, so
5 we will note those in an tempt to keep it moving.

6 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you
7 very much. And as I say, we have to move along, but I'm
8 going to call for a five-minute short break right now.

9 BOARD MEMBER EATON: So Madam Chair, just before
10 going -- they're going to bring it back in November with a
11 time line?

12 CHAIRPERSON MOULTON-PATTERSON: Yes.

13 BOARD MEMBER EATON: Great, thank you.

14 (Thereupon a brief recess was taken.)

15 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
16 the meeting back to order.

17 Ex partes Senator Roberti we'll start at your
18 end.

19 BOARD MEMBER ROBERTI: No ex partes.

20 CHAIRPERSON MOULTON-PATTERSON: Okay, Mr.
21 Paparian?

22 BOARD MEMBER PAPARIAN: None.

23 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina?

24 BOARD MEMBER MEDINA: None to report.

25 CHAIRPERSON MOULTON-PATTERSON: I have none.

1 Mr. Eaton?

2 BOARD MEMBER EATON: None, thank you.

3 CHAIRPERSON MOULTON-PATTERSON: Okay, thank you.

4 Senator Roberti.

5 BOARD MEMBER ROBERTI: I have an ex parte from a
6 week ago which I think I ex parted but I'm not sure card,
7 and that's the Sonoma County Fire Chief, Mr. Bud Cahill --
8 Mike Cahill, excuse me, regarding a contract to clean up
9 the Sonoma City burn dump.

10 CHAIRPERSON MOULTON-PATTERSON: Okay.

11 Thank you, Senator Roberti.

12 Okay, we're Moving on to Waste Prevention and
13 Market Development, number 11.

14 DEPUTY DIRECTOR FRIEDMAN: Good afternoon Chair
15 Moulton-Patterson and Board Members. I'm Judy Friedman
16 representing the Waste Prevention Market Development
17 Division.

18 Agenda Item 11 is Consideration of Approval of
19 rigid plastic packaging container compliance agreements
20 for compliance years 1997, '98 and '99 for, and it's
21 listed 24 companies.

22 However, I'd like to let you know a very recent
23 change to this item. Lamplight Farms has been pulled,
24 because they demonstrated compliance last Friday.

25 John Nuffer will make the presentation for staff.

1 MR. NUFFER: Good afternoon, Madam Chair and
2 Board Members -- the gentleman said he was going to turn
3 it on for me.

4 Can you hear me speak like this?

5 CHAIRPERSON MOULTON-PATTERSON: We'll wait.

6 Thank you, Paul.

7 MR. NUFFER: Hello, test.

8 Good afternoon Madam Chair and Board Members, my
9 name is John Nuffer with the Waste Prevention and Market
10 Development Division. This is the 5th month that we've
11 come to you with compliance agreements for companies that
12 were out of compliance with rigid plastic packaging
13 container law in 1997, '98 or '99.

14 So far with this bunch, we will have brought
15 forward 86 compliance agreements for your consideration.
16 And, in addition, we have resolved another 70 or so
17 companies that were out of compliance then that we've
18 helped come into compliance currently. So we've resolved
19 about 150 of the 200 companies that we've determined so
20 far were out of compliance then.

21 I'd like to remind you that these compliance
22 agreements run for a year. Companies have six months to
23 get into compliance. That time frame ends April 30th of
24 2002. Then they have six additional months to be in
25 compliance. That period and the 12 months ends October

1 31st of 2002.

2 As Judy said, we pulled Lamplight Farms because
3 they demonstrated compliance last Friday, and there are
4 two companies Sierra International and Sunbeam Corporation
5 that requested slightly different language than the
6 standard language we normally use in the compliance
7 agreements. And Deb Borzelleri from the legal office will
8 describe those modifications for you.

9 STAFF COUNSEL BORZELLERI: Good afternoon,
10 Deborah Borzelleri, Legal Office. If you could turn your
11 attention to Attachment 39, this is the compliance
12 agreement for Sierra International.

13 And first, I wanted to note that Sierra
14 International had wanted a number of changes. We were
15 comfortable bringing forward just these two that I'm going
16 to describe.

17 This company wanted to leave open the issue of
18 liability. And if you look on page two of Attachment 39,
19 Section 2.1. Note that we have two sections where it
20 says, "They may be a product manufacturer and may not have
21 been in full compliance with the law."

22 This is consistent with some of the agreements
23 that we adopted in 1996. In addition, this company has
24 also submitted documentation, certification documentation,
25 that they were actually out of compliance. So the legal

1 office is comfortable that we have evidence enough in the
2 event that we took this group to a public hearing.

3 The second change is on page 3, section 3.1(d).
4 If you look at the underlying language, basically Sierra
5 International wanted some kind of assurance that the Board
6 would, if they were unable to come into compliance, that
7 the Board would further consider and perhaps give them
8 additional direction.

9 And this is consistent with what we are -- we
10 have done and what we are doing with all the other
11 compliance agreements, for instance, Toro and Pennzoil
12 from last year. So those are the changes for Sierra
13 International.

14 For Sunbeam, that is Attachment 41. If you look
15 at page 3, section 3.1(a), this company wanted to add an
16 additional line -- an additional way to be in compliance
17 in number 7, which would be to replace their regulated
18 containers with nonregulated containers. I think we all
19 recognize that any company can do that, but they wanted
20 something in the agreement about that. So we're
21 comfortable bring forward those changes.

22 And that's it.

23 MR. NUFFER: That concludes our presentation.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you.

25 MR. NUFFER: I'd be happy to answer questions.

1 BOARD MEMBER EATON: Could you speak louder the
2 next time.

3 (Laughter.)

4 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

5 BOARD MEMBER MEDINA: Yes, Madam Chair, I move
6 adoption of Resolution Numbers 2001-383 and 2001-384,
7 Resolution Numbers 2001-386 through 2001-397, and
8 Resolution Numbers 2001-399 through 2001-407 to adopt RPPC
9 compliance agreements as revised for the companies listed
10 in Agenda Item number 11.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
12 Medina.

13 BOARD MEMBER PAPARIAN: Second.

14 BOARD MEMBER JONES: I'll second that.

15 CHAIRPERSON MOULTON-PATTERSON: We have two
16 seconds. Mr. Paparian I think was first, thank you. So
17 we have a motion by Mr. Medina, seconded by Mr. Paparian
18 to approve Resolution 2001-383 as read.

19 Please call the roll.

20 SECRETARY FARRELL: Eaton?

21 BOARD MEMBER EATON: Aye.

22 SECRETARY FARRELL: Jones?

23 BOARD MEMBER JONES: Aye.

24 SECRETARY FARRELL: Medina?

25 BOARD MEMBER MEDINA: Aye.

1 SECRETARY FARRELL: Paparian?

2 BOARD MEMBER PAPARIAN: Aye.

3 SECRETARY FARRELL: Roberti?

4 BOARD MEMBER ROBERTI: Aye.

5 SECRETARY FARRELL: Moulton-Patterson?

6 CHAIRPERSON MOULTON-PATTERSON: Aye.

7 As you know, we approved Item number 12, the WRAP
8 of the year awards, on consent, but I would like to say
9 thank you to Dorman Steele advisor to Board Member Jones,
10 and Arturo Aleman, advisor to Board Member Jose Medina for
11 sitting on the review committee. And I know that took a
12 lot of work, and we really appreciate the job you did on
13 the WRAP of the year awards.

14 So we will be taking Item 15 before Item 13, as
15 it is, the budget item and must proceed in contract
16 awards.

17 So at this time, I'll turn it over to Ms.
18 Harbridge-Wright for Terri Jordan.

19 MS. HARBRIDGE-WRIGHT: Good afternoon, Madam
20 Chair and Members of the board. I'm Blanche
21 Harbridge-Wright, representing the Administration and
22 Finance Division.

23 Item 15 is consideration of approval of
24 consulting and professional services concepts for fiscal
25 year 2001, 2002 from the Integrated Waste Management

1 Account.

2 Susan Villa from my staff is here to present the
3 item.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
5 Villa.

6 MS. VILLA: Madam Chair and Board Members, I'm
7 Susan Villa in the Business Administration Office. And I
8 am here to present the consulting and professional
9 services allocation item. And the item itself includes
10 five attachments, and I just wanted to go through those a
11 little bit before we get into the actual allocation
12 process.

13 The first three attachments make up the mandatory
14 or ministerial contracts. These types of contracts are
15 either administrative in nature, meaning that they are
16 annually renewed and they prevent a break in service or
17 they are direct implementation contracts that deal with
18 the specific program area.

19 The first attachment is the mandatory services
20 contracts, and then Attachment number 2 is the Recycling
21 Market Development Zone loan program direct implementation
22 contracts, and then the third attachment is the solid
23 waste cleanup direct implementation contracts.

24 The fourth attachment, which we'll be spending
25 most of our time on today is the actual summary and

1 detailed contract concepts that were submitted by board
2 staff and board member offices.

3 The agenda item includes recommendations that the
4 executive staff made, and also the budget subcommittee
5 made. In the preparation of this agenda item, a total of
6 \$4,286,000 were submitted in requests, and there is
7 \$1,850,000 available. A total of which \$2,436,000 needs
8 to be reduced from the concepts that were submitted. To
9 assist the Board in the consulting and professional
10 services allocation process, the executive staff and the
11 budget subcommittee made recommendations.

12 Executive staff's recommendations are shown in
13 the first numbered column, and it was representative of
14 ongoing projects proposed for funding. And then the
15 second executive staff recommendation column are proposed
16 projects to fund next if funding was available.

17 The budget subcommittee recommendations
18 considered the strategic goals when looking at the
19 concepts. They also included looking at concepts that
20 included time sensitivities or changes in the concept
21 submittal from when they were originally submitted. And
22 they also provided feedback regarding adjustments in
23 funding levels.

24 Staff recommends Option 1 that the Board consider
25 the budget subcommittee recommendations. However, the

1 full board has the option to recommend whatever concepts
2 and funding levels that it desires.

3 And before we actually go into the allocation
4 discussion, I wanted to note one change. In concept
5 number 24 the title needs to be changed to read, "Green
6 Building Contracts With Local Government And State
7 Agencies."

8 State agencies was always intended to be included
9 as a part of this contract concept, and it was omitted out
10 of the title, so we want to note that change in the title
11 of that concept.

12 And before we start the discussion, I would take
13 any questions. The Program is here to help address any
14 detailed questions that may come up.

15 CHAIRPERSON MOULTON-PATTERSON: Mr. Eaton.

16 BOARD MEMBER EATON: Yes. With regard to our
17 sister agencies, my understanding is do we have a
18 provision, and this is probably addressed not so much to
19 admin but to the program. My understanding is that
20 recently we've had a significant delay in receiving
21 information pursuant to our contract with the Air
22 Resources Board from the Support Offices of Environmental
23 Technology on an issue, is that correct, Mr. Leary, of
24 over five or six seven, months dealing with an issue that
25 we as a board had to make and determination on?

1 EXECUTIVE DIRECTOR LEARY: You're going to have
2 to help me out, Mr. Eaton. It's not ringing a bell with
3 me.

4 BOARD MEMBER EATON: Well, my understanding is is
5 that we sought to get some information that we were
6 required to run through and go out and get. We couldn't
7 go out and hire other outside, you know, contractors, but
8 that the Air Resources Board Support Office of
9 Environmental Technology was supposed to provide us the
10 information and that it was not forthcoming and it was
11 delayed six, eight months, and it prevented us, as a
12 board, from making a decision. And it had to deal with, I
13 believe, an environmental justice issue or an
14 environmental indicator.

15 And it was written up in the press and what have
16 you. And what I'm wondering is do we have the ability in
17 a situation where we can write into our contracts, even
18 though they are sister agencies, I don't have a problem
19 with contracting, and I'm looking for it in my notes here,
20 wherein they did not provide us with the information in a
21 timely fashion.

22 So the question is, do we have a provision in our
23 contracts that requires a delivery date?

24 MS. VILLA: Most of our contracts do, indeed,
25 include a schedule of deliverables in the contract

1 language. This particular contract, in general, I'd have
2 to have it specifically to see the details of it.

3 BOARD MEMBER EATON: I'll look for it.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Well, just
5 let me know, Mr. Eaton.

6 Mr. Paparian.

7 BOARD MEMBER PAPARIAN: When we're ready, I'm
8 ready to move the recommendation of the subcommittee.

9 CHAIRPERSON MOULTON-PATTERSON: Okay. I don't
10 see any other questions?

11 Mr. Jones.

12 BOARD MEMBER JONES: Just on one issue. I
13 support the subcommittee's work on this.

14 I do know that there is a BCP going forward on
15 one that Mr. Eaton and I had put forward, and in some
16 discussions with some of the members, I just would like to
17 get -- there's \$300,000, Mr. Paparian, left over. I want
18 to at least talk just a little bit about the concept that
19 Mr. Eaton and I put forward was to inventory landfill gas
20 at landfills throughout the State of California for two
21 reasons.

22 One, to inventory what's available, to look at
23 the possibilities of either turning that into energy as an
24 energy source. There is another thing that we need to be
25 thinking about, and that's what San Diego is doing in Mira

1 Mar, where they're actually pulling gas out of their
2 system and they're going to turn it, after they clean it
3 and scrub it, turn it into a fuel to run with their diesel
4 fuel to get cleaner burning trucks.

5 And if that's not closing the loop, there isn't
6 one, but we continually talk about the gas issues and this
7 Board, and we're always talking about the energy issues.
8 So I think that a scope of work that identifies not only
9 the inventory out there of what's available, in gas, but
10 can also categorize for us where some of the single source
11 uses could be, potential -- you know, potential single
12 source uses, as well as getting into the grid.

13 And I think that we've got it -- it has been a
14 huge issue for this Board, and I would like to see that
15 included on the that list. And I know the reason was that
16 it needed an RFP and it needed some work for a scope of
17 work. But I think it's critical to our mission, and I
18 think it can also be a heck of a tool to be used in
19 further discussions with the Governor's office and others
20 on availability of other sources of energy.

21 CHAIRPERSON MOULTON-PATTERSON: What about if we
22 went ahead and saw how the recommendations of the Budget
23 Subcommittee went and then there's quite a few dollars and
24 then we can see if we want to allocate those.

25 BOARD MEMBER PAPARIAN: Yeah. It was my

1 intention to suggest that we send those dollars back to
2 the subcommittee for review of the various proposals that
3 are out there. I know that one of the ones that did come
4 before the Subcommittee that we weren't ready to act on,
5 we wanted to see some changes to the proposal was related
6 to environmental justice, there was \$100,000 item, I
7 think, for environmental justice. And the subcommittee
8 felt that, perhaps, that needed some work before going
9 forward with the recommendation.

10 That's the -- I don't know if that's the only
11 other one I'm aware of, but it's the only other one that
12 jumps to find that's out there for active consideration by
13 the subcommittee.

14 CHAIRPERSON MOULTON-PATTERSON: We might be able
15 to do the \$100,000 for environmental justice and \$200,000
16 for this --

17 BOARD MEMBER JONES: Cut this down to \$200,000,
18 that's not a problem.

19 CHAIRPERSON MOULTON-PATTERSON: -- and just have
20 it done, but I would prefer if we could to move the budget
21 subcommittee's proposal and then talk about this.

22 However, I apologize there is a public speaker on
23 this item, and I want to, before we take any action,
24 invite Colette Marie McLaughlin from the Santa Ana Unified
25 School District. And I apologize. I'm glad I saw it in

1 time.

2 MS. McLAUGHLIN: Thank you. Madam Chair and
3 Board Members, I'm Colette Marie McLaughlin from Santa Ana
4 Unified. I'm a planner there. And I wanted to state that
5 Santa Ana Unified supports the concept of contract concept
6 Option number 1 that would include your board being a
7 partner with a school district in California, and that it
8 would produce a high performance school as a demonstration
9 project.

10 The proposed contract concept before you provides
11 an opportunity to complement the demonstration schools
12 already being provided by the California Energy
13 Commission.

14 This proposed demonstration school would provide
15 a cutting edge model of school -- of waste reduction to
16 help other districts see how to develop schools that are
17 energy efficient as well as dispel myths about energy
18 efficient and resource efficient, and most of all provide
19 our students with improved learning environments.

20 The California Department of Education is
21 estimating that there are at least 430 more new schools
22 needed. These new schools could use your demonstration
23 project as a model of how to provide schools that would be
24 environmentally sound and energy efficient.

25 This model would be used to generate data that

1 would dispel entrenched beliefs by some staff members of
2 many school districts that sustainable development in
3 schools is expensive and not feasible. Even more
4 important than that bottom line cost analysis that would
5 result from dispelling those myths would be that the
6 demonstration school would provide our students in
7 California with healthy learning environments that would
8 integrate resource management and practices that would
9 protect and benefit all community members and stakeholders
10 in California.

11 Thank you.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you for
13 coming.

14 Mr. Paparian?

15 BOARD MEMBER PAPARIAN: Madam Chair, I'd like to
16 move resolution --

17 BOARD MEMBER EATON: Mr. Paparian If I could just
18 beg your indulgence.

19 CHAIRPERSON MOULTON-PATTERSON: I'm sorry, Mr.
20 Eaton.

21 BOARD MEMBER EATON: One question that I have of
22 you, since you run the subcommittee, and maybe it was
23 explored, the contract with the law firm of Hodell
24 \$300,000, according to my notes we already have two
25 contracts that ran for \$133,000 for each year, until such

1 time as a new staff person was going to be present.

2 So the question that I have, not to your work but
3 the question that I have is that this contract is for
4 \$350,000. We have not done any work with RMDZ. If you
5 remember it was only funded, if I'm not mistaken last
6 year. We had problems funding it to the tune of two or
7 three million dollars, and we're going to hear back from
8 them with regard to whether or not they can sell the
9 loans. Remember we had that discussion, they were going
10 to try and sell the loans.

11 So the question that I'm having is not
12 necessarily is the contract with them, necessary and to
13 the tune and can we save additional funds that might be
14 used in other areas that the subcommittee may be looking
15 at, because as I look at it, and it looks like we have
16 overlapping contracts. And that the original contract was
17 only supposed to be until, I believe, that our legal
18 department got a position.

19 Now, I don't if that ever occurred or not, but
20 I'm saying that's a large, large contract that, you know,
21 if they're not going to provide the services and they
22 wouldn't have had to provide the services last year,
23 because obviously they couldn't bill us for this year with
24 the money, I think there's a pot of money there.

25 BOARD MEMBER PAPARIAN: Just to be clear, I did

1 not chair the subcommittee, Chair Moulton-Patterson did.

2 CHAIRPERSON MOULTON-PATTERSON: Well, Is that one
3 of the mandatory ones that we were told was mandatory?

4 BOARD MEMBER EATON: Well, it's mandatory only in
5 the sense that you if use it, but it's not mandatory like
6 what we have where the Department of Finance or Toxics,
7 which we are -- you know, we have to do. It's mandatory
8 in the sense that it performs certain services, but those
9 services haven't been performed nor do I understand are
10 they going to be performed, given the fact that the state
11 of the RMDZ funding is still in question as to the amount.

12 MS. VILLA: Mr. Eaton, I think I can address that
13 in part. The dollar amount shown on the mandatory
14 services list is a placeholder amount, if we needed to go
15 up to that amount. But certainly if there is a portion
16 that can be redirected to the bottom line of the RMDZ
17 fund, it could be. And my understanding is that full
18 amount has not been used every year. It's been more to
19 the tune of \$100,000. The contract itself being 200,000.
20 That's my understanding. Legal can provide some
21 additional information.

22 So there would be some bottom line money that
23 could be redirected to the direct implementation portion
24 of the RMDZ fund.

25 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

1 BOARD MEMBER JONES: Just a follow-up question to
2 that. Is this dollars that are being put aside to help
3 due the legal evaluation if the loan portfolio -- if it's
4 determined that the loan portfolio may be sold, is that --

5 BOARD MEMBER EATON: That's a different contract.

6 BOARD MEMBER JONES: That's different.

7 MS. VILLA: Yes, that's a different contract.

8 BOARD MEMBER JONES: All right.

9 BOARD MEMBER EATON: That's what I'm trying to
10 get at. We've got a lot of money here that the
11 subcommittee has been trying to find money for that I
12 don't know is absolutely necessary. These kind of have
13 self-generating -- kind of they come up every year. And
14 yes there are those such as, you know, that we have to pay
15 the Department of Finance or Audits. But this is one that
16 was an outside law firm and I don't have any, you know,
17 beef with them. But I saw the amount, I also saw the fact
18 that we provided \$133,000 in the years previous, and that
19 those contracts, I believe, expire June 30th of 2002.

20 That's what it says here, term 12/15/00 to
21 6/30/02, total contract amount \$200,000. This one is for
22 350, that would go to 2005 from 2002. So in other words,
23 you're binding yourself to the tune, you know, right now
24 that if they decide they can bill \$350,000 and not
25 provide --

1 MS. VILLA: My understanding of the contract,
2 they only bill if we utilize their services. We don't pay
3 them anything unless we've utilized their services for the
4 loan reviews.

5 CHAIRPERSON MOULTON-PATTERSON: So maybe in
6 looking at that we could lower that cost, I mean, if you
7 don't think it's going to be estimated at that.

8 BOARD MEMBER EATON: How much did they bill last
9 year that we haven't seen and where did that go?

10 MS. VILLA: My understanding, the funding all
11 stays and remains within the RMDZ fund. I would have to
12 do some more research budgetarily to find out if it's the
13 portion that is made available for actual giving of loans
14 or if it's the administrative portion.

15 BOARD MEMBER EATON: Right. But unfortunately
16 the RMDZ changed statutorily that no longer are we
17 required to give \$5 million. It's now become
18 discretionary, and that was the issue that was raised
19 before. So at being discretionary, it doesn't have to
20 stay with the RMDZ. That is something that we, as a
21 board, now can choose to fund the RMDZ at a level which
22 you feel is commensurate with the program. And I'm not
23 saying that it shouldn't be funded or anything, but I'm
24 just staying that this is one of those areas where before
25 were locked into a large contract that we don't

1 necessarily have to be in, that the issues that would be
2 coming up as it relates to loan sale are handled under
3 different contracts.

4 So there's a pool of money here, and I just think
5 that before you vote on something that you ought to know
6 that we ought to have a little more, you know, idea of how
7 this money would be spent, because it's binding from the
8 year, at least according to my notes, from 6/30/02, that's
9 almost eight or nine months from now, correct, into 2005.
10 I'm not talking about January 1st. So there's a
11 significant amount of dollars here.

12 BOARD MEMBER PAPARIAN: Madam Chair.

13 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

14 BOARD MEMBER PAPARIAN: Thank you. I think Mr.
15 Eaton's points are very well taken. I mean, I had not
16 heard the term placeholder in connection with items on
17 them and a mandatory list, and I think he's -- I'm glad he
18 brought that up, and I think it is something we ought to
19 be looking into.

20 My motion will have to do with the discretionary
21 dollars, not the mandatory list. I think we ought to take
22 a look at some of those mandatory items, take a look at
23 this one in particular and see what options we have and
24 where we should go with that.

25 But I think that's a discussion for the future.

1 CHIEF COUNSEL TOBIAS: Madam Chair, may I just
2 clarify on this contract that it is a mandatory contract
3 section. It is an existing contract for \$200,000, which
4 covers this year. So that's the information that I can
5 contribute to this.

6 BOARD MEMBER PAPARIAN: I think the point though
7 was that there may be some savings there. And if there
8 are savings --

9 CHIEF COUNSEL TOBIAS: We have --

10 BOARD MEMBER PAPARIAN: -- the Board perhaps
11 would have an opportunity --

12 BOARD MEMBER EATON: That contract has already
13 been funded, your two years. That's already been funded.
14 So this is not that -- you have an existing contract
15 that's already been funded. This is a completely new
16 contract.

17 BOARD MEMBER EATON: According to my notes right
18 out of page two.

19 STAFF COUNSEL BLEDSOE: Michael Bledsoe for the
20 legal office. On the list of mandatory contracts, it's
21 listed as contracts for the year 2001 to 2002. That's the
22 current year for \$350,000. That number should be
23 \$200,000. But that's the existing contract that -- we're
24 not seeking funds for anything beyond an existing
25 contract.

1 CHIEF COUNSEL TOBIAS: And, generally, those
2 contracts have been put in at \$200,000.

3 CHAIRPERSON MOULTON-PATTERSON: Yeah, I'm
4 confused, because I see \$350,000 too. Can we look at
5 that. I mean definitely we want to find out what the
6 bottom is.

7 MS. VILLA: I think what we're trying to say is
8 that we can evaluate that dollar amount and make a
9 determination based on whatever is left over in last
10 year's contract and reduce that amount appropriately.
11 What I was trying to say earlier is that those funds
12 remain in the Recycling Market Development Account. So it
13 would be for recycling market development account
14 activity.

15 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

16 BOARD MEMBER PAPARIAN: Madam Chair, again, I'd
17 suggest perhaps the budget subcommittee ought to look at
18 this in conjunction with the staff.

19 I'd like to go forward though and make the motion
20 for the discretionary consulting and professional services
21 concepts, the recommendations from the Subcommittee,
22 therefore I'd like to move Resolution 2001-321 with the
23 resolved clause reflecting the recommendations of the
24 budget subcommittee.

25 CHAIRPERSON MOULTON-PATTERSON: And I will second

1 that just to get it on the table, and we can, as you see
2 in the column, these are the ones that the Budget
3 Committee recommended, and it was a total of \$281,150.
4 Did you want to go through each one, you wanted them
5 listed for --

6 MS. VILLA: The balance that is not allocated in
7 that is \$281,000.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 BOARD MEMBER PAPARIAN: The Budget Subcommittee
10 is recommending \$1,569,000.

11 CHAIRPERSON MOULTON-PATTERSON: Okay, yes, that's
12 right. Thank you.

13 So we have a motion and a second, please call the
14 roll.

15 SECRETARY FARRELL: Eaton?

16 BOARD MEMBER EATON: Aye.

17 SECRETARY FARRELL: Jones?

18 BOARD MEMBER JONES: Aye.

19 SECRETARY FARRELL: Medina?

20 BOARD MEMBER MEDINA: Aye.

21 SECRETARY FARRELL: Paparian?

22 BOARD MEMBER PAPARIAN: Aye.

23 SECRETARY FARRELL: Roberti?

24 BOARD MEMBER ROBERTI: Aye.

25 SECRETARY FARRELL: Moulton-Patterson?

1 CHAIRPERSON MOULTON-PATTERSON: Aye.

2 Okay. Now we had said there is a 281,150 left,
3 how did you want to proceed on that?

4 Did you want to discuss it right now? Do you
5 want to send it back to the Budget Subcommittee?

6 BOARD MEMBER EATON: Madam Chair, do we know if
7 the BCPs have been acted on. I know we were supposed to
8 be hearing from them and --

9 CHAIRPERSON MOULTON-PATTERSON: We might want to
10 wait till we know.

11 BOARD MEMBER EATON: That's something, if you
12 want, we can just put off until you met another time, and
13 see -- I understand that they're suppose to be
14 forthcoming.

15 CHAIRPERSON MOULTON-PATTERSON: They are, and
16 it's looking good, but we don't know for sure, at least I
17 don't. And so I think that would be good. And then we
18 will bring it back to the full board and take a look at
19 it.

20 Okay, thank you.

21 That brings us back to Item number 13,
22 consideration of approval of contract for the multiple
23 recycled product trade shows.

24 MS. FRIEDMAN: Yes, Madam Chair and Board
25 Members, Item 13 is consideration of approval of a

1 contractor for the multiple product trade shows, contract
2 fiscal year 2000 to 2001, contract number IWM-CO118.

3 Jerry Hart will present the item for staff.

4 MR. HART: Good Afternoon, Madam Chair and Board
5 Members. My name is Jerry Hart. And Item 13 before you
6 this afternoon is consideration of approval of a
7 contractor for the multiple recycled product trade shows.
8 We have gone through --

9 BOARD MEMBER PAPARIAN: Excuse me, Madam Chair,
10 these guys do a great job and to help moving things, I'd
11 love to move this resolution if that's all right.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you.

13 BOARD MEMBER PAPARIAN: I'd move resolution
14 2001-409 related to multiple recycled product trade shows.

15 BOARD MEMBER JONES: I'll second it.

16 CHAIRPERSON MOULTON-PATTERSON: We have a motion
17 by Mr. Paparian, seconded by Mr. Jones. Let me make sure
18 we read the right number in, Mr. Eaton taught me that,
19 always look at the resolution.

20 BOARD MEMBER PAPARIAN: 2001 --

21 CHAIRPERSON MOULTON-PATTERSON: 2001-409,
22 revised. Please call the roll.

23 SECRETARY FARRELL: Eaton.

24 BOARD MEMBER EATON: Aye.

25 SECRETARY FARRELL: Jones?

1 BOARD MEMBER JONES: Aye.

2 SECRETARY FARRELL: Medina?

3 BOARD MEMBER MEDINA: Aye.

4 SECRETARY FARRELL: Paparian?

5 BOARD MEMBER PAPARIAN: Aye.

6 SECRETARY FARRELL: Roberti?

7 BOARD MEMBER ROBERTI: Aye.

8 SECRETARY FARRELL: Moulton-Patterson?

9 CHAIRPERSON MOULTON-PATTERSON: Aye.

10 Okay that moves us to, and thank you, Mr. Hart,
11 move us to number 14, consideration of adoption of the
12 Board's 2001 strategic plan.

13 Mr. Leary.

14 EXECUTIVE DIRECTOR LEARY: Madam Chair, if I
15 could please, I would like to request the Board's
16 indulgence and change this agenda item to a discussion
17 item in respect for the interest of a large group of
18 stakeholders who have asked for more time. And I think we
19 can allow them that more time through making this a
20 discussion item and also bringing back to the Board in a
21 workshop on November 7th to continue that allowance for
22 further discussion of some of the particular elements of
23 the strategic plan. So I am --

24 CHAIRPERSON MOULTON-PATTERSON: I have no problem
25 with that this special session November 7th.

1 EXECUTIVE DIRECTOR LEARY: Our briefing workshop.

2 CHAIRPERSON MOULTON-PATTERSON: Okay, I just
3 want to make it was something we had all calendared.

4 EXECUTIVE DIRECTOR LEARY: Yes, our briefing
5 workshop on November 7th, I think would provide another
6 opportunity to further discuss some of the concerns that
7 these stakeholders have raised.

8 CHAIRPERSON MOULTON-PATTERSON: Senator Roberti.

9 BOARD MEMBER ROBERTI: I guess I will go along
10 with the request, but this means that we are going to
11 interminably delay this issue, which takes up an awful lot
12 of time, whether it's beneficial or not I don't know, but
13 it takes up an awful lot of time.

14 And once again it's a misconception, through
15 process not by anybody's design, but through process as to
16 who our stakeholders are. If you look at the list, it's
17 all the people who can afford lobbyists, afford
18 representation, afford talking to staff and to members.
19 And, once again, I don't see one environmental group as a
20 stakeholder. So that means they just get all our time
21 interminably delaying something.

22 Because I didn't say this ahead of time, I'm
23 going to go along, but I think we have to get a reality
24 check one day as to who our stakeholders are. And our
25 stakeholders aren't just the people who importune us all

1 the time. Our Stakeholders are people maybe who we should
2 engage in a little affirmative action, and go out and find
3 out who they are, and those are environmental groups,
4 consumer groups, maybe even local governments to some
5 extent, who do and can afford to come here.

6 Otherwise, I mean every time, I hear the word
7 stakeholder, I cringe, because it was never -- I mean,
8 this Board was never set up to have as its stakeholders --
9 just look at the list, look at the list.

10 And once more the Thursday Group, I have nothing
11 against the Thursday Group. I'd be asking for a delay too
12 if I was a representative of one of these bodies, but I
13 mean it's the Fortune 500 of California, and I have
14 nothing against them, but at some point we have to have an
15 idea of what our stakeholders are and who they are, and
16 that we have to give as much time, including these delays
17 to groups that just are never here. So I will go along.

18 EXECUTIVE DIRECTOR LEARY: Senator, just in
19 response to the comment about interminable delay, I've
20 crafted a letter to the group that you're referring to,
21 the Thursday Group, acknowledging their request and
22 suggesting that one option might be to simply bring this
23 back to the Board in November, which is really only three
24 weeks. The Board November board meeting comes up early,
25 and given this opportunity and the opportunity at the

1 workshop, I felt that was certainly plenty, and we intend
2 to bring this back for adoption at that time November
3 board meeting in Sacramento.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
5 Leary. And I certainly am going to go along with that,
6 but I do agree with Senator Roberti. And is anyone from
7 the Thursday Group here to talk to us today? I mean, this
8 is the Board adopting the strategic plan.

9 EXECUTIVE DIRECTOR LEARY: I believe they are.

10 CHAIRPERSON MOULTON-PATTERSON: I have Mike
11 Mohajer's slip on this. I have no other --

12 BOARD MEMBER EATON: You're not part of the
13 Thursday Group. You're the usual suspects.

14 (Laughter.)

15 MR. LARSON: Madam Chair, George Larson here
16 representing the American Plastics Council, and they are a
17 signatory to Thursday group. But I guess the Fortune 500
18 could be one way to describe that group, but it's made up
19 primarily of product manufacturers, and it's a group that
20 was brought together under the California Chamber of
21 Commerce and the California Manufacturers and Technical
22 Association.

23 And if I can, first of all, start off with a
24 positive note that on their behalf, and they are not here,
25 because in the context of the letter giving them two

1 opportunities to make comments, they felt that that would
2 be the forum in which we would go into the details of
3 their issues and this plan.

4 However, to put a little context to how we got
5 here, the initial mission statement that came out in,
6 pardon on me for not having the initial dates of the
7 mission statement, had certain references in it that were
8 problematic to the manufacturing community such as zero
9 waste. And I think at the recommendation of one of the
10 Boards and the mission statement, that was changed to a
11 sustainable California.

12 And we felt, in this case, that satisfied the
13 need of being more broad than going with a zero tolerance
14 threshold. At the time, the document we're looking at now
15 was distributed, I believe that was September 25th,
16 subject to correction by Mr. Leery, there were many
17 specific references in here that caused concern.

18 I can go into them now, or I think we would get a
19 better insight from the individual companies that feel
20 that references of goals and tasks in the strategic plan
21 would be problematic. And we are not on the list of
22 people who were -- the manufacturing sector is not on that
23 list, and we would welcome the opportunity to make our
24 input and hopefully address some concerns.

25 Now, the strategic plan is a very broad document.

1 The issues about which the Thursday Group have some
2 specific concerns are very narrow on that broad scope, and
3 I apologize if that delays the process, but we feel that
4 due process would allow that group to bring in some
5 specific comments and hopefully have those incorporated
6 into a final document we could all support.

7 CHAIRPERSON MOULTON-PATTERSON: And I really hope
8 you would let the Thursday Group know that we'd really
9 appreciate them coming directly to this Board and trying
10 to work with us on this.

11 And so I thank you.

12 Mr. Paparian.

13 BOARD MEMBER PAPARIAN: Yeah. Thank you Madam
14 Chair. I mean I agree with that last statement. I
15 understand the Thursday Group met with Secretary of Cal
16 EPA Winston Hickox to ask him to intervene in our
17 strategic plan, yet never had any direct communication
18 with me and I doubt that they had direct communication
19 with other board members as to their concerns about this
20 strategic plan.

21 Some of the things that the Thursday Group were
22 concerned about were issues that I am very intimately
23 involved with, product stewardship in particular.

24 I was very surprised to hear that the product
25 stewardship issues was taken to Secretary Hickox without,

1 you know, bringing it to me. I've been involved in the
2 issue. I've been bringing up product stewardship at
3 almost every board meeting this year.

4 MR. LARSON: May I comment to that, that the
5 group did meet, not under the title of the entire Thursday
6 Group, but individual members did meet with Chair
7 Moulton-Patterson and Bonnie Bruce specifically to address
8 certain issues in the strategic plan, which as a result of
9 that meeting, the final document had not been circulated
10 yet, and the issues that we raised at that meeting
11 remained and, in fact, were amplified in the final text
12 which we only saw as of three weeks ago.

13 So there was contact with the Board, and I
14 apologize if that issue was not brought directly to your
15 attention, but we did meet with Chair on our concerns in
16 this strategic plan.

17 BOARD MEMBER PAPARIAN: Yeah. And I did send a
18 letter to Allen Zeremberg and Jack Stewart last Friday
19 welcoming the opportunity to talk to them or other
20 representatives of the Thursday Group about product
21 stewardship and other issues that I'm involved with, and,
22 in fact, that I've been involved with members of the
23 Thursday Group.

24 MR. LARSON: Well, I certainly will convey the
25 fact that that correspondence went forward, and I'm sure

1 there will be a response directly from both of those
2 organization, but to get direct representation meeting
3 with you, I think, is a separate effort that Thursday
4 Group, individual members if not the majority of, will
5 direct their attention to you.

6 BOARD MEMBER PAPARIAN: Thank you.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Larson.

9 So we will be discussing this on November 7th and
10 taking input.

11 EXECUTIVE DIRECTOR LEARY: Yes, Madam Chair.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you.

13 Thank you Mr. Larson.

14 Mr. Mohajer, had signed up for this one.

15 MR. MOHAJER: Madam Chair and Members of the
16 Board. My name is Mike Mohajer. I'm representing LA
17 County Integrated Waste Management Task Force.

18 Senator Roberti, I'm not one of the 500 Fortune,
19 but I'm one of the 500 unfortunate, one of those cities
20 and counties that have to do comply with the law and also
21 be in the front line with the residents an businesses.

22 Before I discuss this issue, this morning the
23 Vice Chair of the Task Force, Councilwoman Margaret Clark
24 called me at home and wanted to make sure that I would
25 relay her message to you that she was apologizing for not

1 being able to attend the meeting today because she's sick,
2 but that was one of my first duties that I was supposed to
3 do shall morning and unfortunately the time wasn't right,
4 so I just want to make sure that I relayed that message.

5 But moving on, we reviewed this proposed plan
6 again, and we had submitted comments back starting
7 February 15th of 2001 and a couple of times I spoke on
8 this issue and unfortunately so far, just the comments
9 that we had, the concerns that we have that were here
10 really were not responded to.

11 As you know, the AB 939 really faces the
12 responsibility for management of solid waste is a joint
13 responsibility both for the cities and counties as well as
14 the State.

15 And therefore, the proposed plan has really got
16 to consider this partnership with local government. And I
17 do not see any real references to one of the goals that
18 ought to be identified in this plan.

19 And a couple other things that I had mentioned in
20 the past that has not really been considered again is the
21 cost effectiveness. And if you look at throughout the
22 document, there is not a single reference, word wise, to
23 economics and phrase wise to cost effectiveness. And that
24 is really critical because to the economic well-being of
25 the cities, the counties, as well as the State of

1 California, as we adopt policies, procedures and
2 guidelines or whatever you have to consider the economical
3 impact and regulated jurisdictions, which, in this case,
4 would be the cities and counties.

5 So having said that, hopefully this document is
6 going to be fine-tuned on November 7th next month and then
7 maybe that would be something that could be addressed.
8 Having said that, I probably won't be able to attend the
9 November 7th meeting and will go from there.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you very
11 much, Mr. Mohajer, and we'll certainly take that into
12 consideration on the 7th.

13 Okay, moving on to 16. Who will be giving that
14 staff report Rubia -- I mean Ms. Packard and we do have
15 speakers;

16 ASSISTANT DIRECTOR PACKARD: Thank you, Madam
17 Chair. Rubia Packard with the policy office.

18 I will be presenting Agenda Item 20, which is,
19 I'm sorry, Agenda Item 16, consideration of and request
20 for direction on immediate action items to address
21 environmental justice concerns and board programs. At the
22 June 19th, 2001 board meeting the Board requested an
23 agenda item be prepared identifying any actions that could
24 be taken immediately to address environmental justice
25 concerns and board programs.

1 This item presents for board consideration those
2 items identified by the divisions and offices that could
3 be implemented within the next few months without the need
4 for statutory or regulatory changes within existing
5 resources.

6 Attachment 1 identifies those actions. It's a
7 charts that lists all of the actions that have been
8 proposed by program staff in each of their areas. Board
9 staff is currently in the process of identifying the more
10 long-term complex potential program modifications to
11 address environmental justice. These are changes that
12 might require extensive public input as well as statutory
13 regulatory changes.

14 We hope to bring those to the Board in the near
15 future. Attachment 1 lists proposed recommendations in
16 the following areas, grant programs, contracts, loans
17 education, and education category schools program,
18 education State agencies, outreach, RMDZ's and awards.

19 The options for the Board include directing staff
20 to implement the immediate environmental justice action
21 items identified by staff in Table 1; direct staff to make
22 revisions to the table identifying other action items and
23 implement specific action items only; or take no action at
24 this time.

25 Staff recommends Option 1 that you direct staff

1 to implement the immediate environmental justice action
2 items identified by staff in Table 1. If you have any
3 questions I'd be happy to answer them. Program staff or
4 the deputies and Assistant Directors are here as well to
5 answer questions about any of their particular areas, if I
6 can't.

7 Thank you.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
9 Packard. Any comments or questions before we go to public
10 testimony?

11 Senator Roberti.

12 BOARD MEMBER ROBERTI: Number 1, much of this
13 proposal is fine. I am a little concerned that we don't
14 deal with permitting, and what I would gather is one of
15 the greater, if not greatest problems that we have is the
16 question of environmental justice is on the whole question
17 of permitting, where the permits take place, where the
18 permits are augmented and things of that nature. So I
19 would like that to be considered as well.

20 And number two, I would like to reiterate my
21 concern that the environmental justice program be audited
22 by an independent agency contracted out through the bid
23 process. And I have said that on a number of meetings,
24 and I haven't forgotten it and I want to continue to
25 emphasize that matter.

1 ASSISTANT DIRECTOR PACKARD: If I could respond
2 to at least part of that. When we originally sat down and
3 brainstormed all the areas that were immediate, the
4 permitting process is very complex and there are many
5 places where environmental justice could be a concern. So
6 that was deferred to the second round of analysis, rather
7 than the immediate action items that were requested by the
8 Board earlier this year.

9 As we understood that request, it was the things
10 that we could do immediately without any statutory or
11 regulatory change that were my favorite phrase, "low
12 hanging fruit" that could be done right away within our
13 existing resources and within the work that we do every
14 day. So that's what this is intended to represent. It
15 was certainly never intended to represent the more complex
16 in-depth analysis that my require some extensive public
17 outreach and input and forums where folks can come in and
18 tell us if -- you know, this is what we need or please
19 don't do that or whatever, you know, the comments would
20 be.

21 So this item was never intended to reflect that.
22 As I said, we have begun to do that analysis and there are
23 some areas primarily in the permitting area that we are
24 starting to look at to see what kind of options are
25 available and what kind of groups we need to talk to, what

1 kind of regulatory, statutory gaps or necessary changes
2 might be. So it is our intent to address your concerns,
3 Senator.

4 CHAIRPERSON MOULTON-PATTERSON: Do we have a time
5 line for approximately when you'll be getting back to us
6 on those?

7 ASSISTANT DIRECTOR PACKARD: No, we don't. We're
8 waiting for adoption of this item before we proceeded with
9 the in-depth analysis of the rest of the work.

10 CHAIRPERSON MOULTON-PATTERSON: You won't let us
11 forget will you, Senator Roberti?

12 BOARD MEMBER ROBERTI: No. And I would like to
13 caution, I don't know what my future holds, but my term is
14 up the end of next year. And I started on this sort of
15 the earlier part of last year, just for people's knowledge
16 what my reference point is.

17 CHAIRPERSON MOULTON-PATTERSON: We'll be looking
18 for that second phase.

19 ASSISTANT DIRECTOR PACKARD: What we were trying
20 to do with the second phase was trying to a little bit To
21 stay in sync with Cal E.P.A. And their environmental
22 justice efforts and they're putting together the advisory
23 group and all of that and their public forums as well. We
24 were going to utilize some of their public forums.
25 They're public forums have been delayed now until February

1 and March of next year. So we'll try to regroup and redo
2 our time line and give you some more information about
3 that.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
5 Ms. Packard, and we'll go to public comments. Dr. Joseph
6 Lyou of the California League of Conservation Voters
7 Education Fund.

8 (Thereupon an overhead presentation was
9 presented as follows.)

10 DR. LYOU: Thank you. I've handed out to staff a
11 copy of my presentation for the Board. Madam Chair,
12 Members of the Board, thank you very much. My name is Joe
13 Lyou. I'm the Director of Programs at the California
14 League of Conservation Voters Education Fund.

15 I appreciate the opportunity to be here today and
16 speak in favor of adopting the proposed resolution and
17 Option 1 for staff to implement the action items that have
18 been identified more or less with just some minor changes.

19 I think it's appropriate that the Board, at this
20 time, is bringing up this resolution and it is the
21 ten-year anniversary this Saturday of the environmental
22 justice principles that were signed at the People of Color
23 summit in Washington D.C.

24 --o0o--

25 DR. LYOU: So I'm going to move along and just go

1 through briefly three items today and talk about what I
2 see is the key policy and program elements of a successful
3 environmental justice program, the survey results of a
4 survey that we sponsored in April of this year that dealt
5 with both environmental justice and public participation
6 and some recommendations for dealing with the agenda item
7 now before you.

8 --o0o--

9 DR. LYOU: I've tried to boil this down to five
10 things. It's not easy to do. Meaningful public
11 participation involves a lot of different things; timely
12 notice; convenient meeting places and times; access to
13 information; language translation I see some of this
14 coming up through the proposed action items, not
15 necessarily all of it, but I think in order to be
16 successful in your environmental justice program, you'll
17 need to consider what is meaningful public participation,
18 how do we go about assuring it.

19 Capacity building and technical assistance is
20 important for public participation to be successful and to
21 environmental justice to occur and be achieved through
22 grants programs, workshops trainings, meetings, informal
23 and formal, you can build a capacity of communities to be
24 actively involved in the decisions that are being made.

25 The community based decision making model is one

1 in which I think it's easiest to define an opposition to
2 the decide, announce, defend model that those of us who
3 deal with regulatory agencies confront so often.

4 And it is one in which the community is empowered
5 to have a more effective and influential role in the
6 decisions that are being made.

7 The resource commitment is very important in
8 terms of judging how well your environmental justice
9 program will be implemented. And I think I would
10 recommend that the budget change proposal go into the
11 Governor to support the implementation of not only these
12 action items, but a longer term development of
13 environmental justice policy and program within the Board.

14 Enforceability is a criterion that I always look
15 for in what's going on in terms of the policies and
16 programs. If you don't have an enforceability provision
17 or accountability factored into your policy and programs,
18 I think you end up with much less effective program and
19 policies than otherwise, and I think it's something you
20 have to pay attention to and identify where you can build
21 enforceability into your programs.

22 --o0o--

23 DR. LYOU: Our survey was conducted in April of
24 this year by the Fairbank, Maslin, Modelin and Associates.
25 We surveyed 800 California voters with an oversample of

1 Latino voters. We found in response to our question on
2 the priority that should be given to community opinions
3 and environmental decision making that fully 75 percent of
4 California voters thought it should be a high priority or
5 the highest priority.

6 And I think that differs significantly from the
7 reality when we are making -- when agencies and boards
8 make decisions about their environmental issues that are
9 before them. They tend not to consider the community
10 opinion as either the highest or the highest priority -- a
11 high priority or the highest priority.

12 The second question we asked had to do with
13 environmental justice. We actually asked a series of
14 questions on these types of issues, but these are the two
15 I'd like to present to you today. We found that 70
16 percent of voters agreed when we asked them if they agreed
17 or disagreed with a statement that California officials
18 are more likely to allow companies that cause pollution to
19 operate in low-income and minority communities than in
20 high income and predominantly white neighborhoods.

21 And I think what we're finding here is that the
22 voters that we surveyed believed that environmental in
23 justice does exist in California.

24 And, quite frankly, I think it's obvious the
25 fallout from that that something must be done about it.

1 --o0o--

2 DR. LYOU: Get to some specific things with the
3 resolution before you. The action items used the term
4 self certify. And I think it's defined very broadly in
5 terms of grantees and people receiving loans and other
6 parts of your programs that they attest to exercising fair
7 treatment. And I think that you need to direct staff to
8 decide exactly what it's going to mean in terms of the
9 criteria for enforcing this.

10 Providing an enforceability mechanism for
11 assuring compliance with self certification, I think, will
12 be important in the implementation of this resolution and
13 the action items.

14 And I think that adding a component that
15 addresses the issue of community meetings, to the outreach
16 activities, it's going to take a long time for this Board
17 and for other boards, ADCs and the offices within the Cal
18 EPA to establish the relationships necessary and build the
19 trust with the communities in order to implement an
20 effective environmental justice program, and I would hope
21 that you would direct your staff to begin on that process.

22 --o0o--

23 DR. LYOU: There were some very minor changes I
24 would recommend to the resolution since some time has pad
25 us by when this resolution was proposed. There have now

1 been four statutes that addressed environmental justice,
2 not just two. They were mentioned in the resolution, SB
3 828 and AB 1553 specifically address the issue of
4 environmental justice and have been signed by the
5 Governor. I would recommend the Whereas number 1 be
6 amended to incorporate that.

7 Additionally, Whereas number 3 is now factually
8 incorrect. SB 838 from Senator Alarcon has changed that
9 date from January 15th to January 1st. I think these are
10 the minimum recommended changes in order to make the
11 resolution factually accurate and appropriate.

12 And Whereas number 7 Romel Pascual is not the
13 environmental justice coordinator, he is the Assistant
14 Secretary for Environmental Justice, and I would recommend
15 that change be made.

16 And that concludes my presentation. Thank you
17 for the time and opportunity to do talk to you this
18 afternoon.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Dr.
20 Lyou.

21 We have one more speaker.

22 BOARD MEMBER PAPARIAN: Madam Chair, I just
23 wanted to thank Dr. Lyou as someone I've worked with for
24 quite awhile on a number of issues and certainly in a
25 previous position that he held, I wanted to thank him for

1 taking the time and effort to come out here today and join
2 us and give us his thoughts on this issue.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you very
4 much.

5 Luis Cabrales.

6 MR. CABRALES: Thank you Madam Chair and members
7 of the Board. Thank you very much. My name Luis
8 Cabrales. I'm Assistant Director of Outreach at the
9 California League of Conservation Voters. I'm going to be
10 brief and I'd like to emphasize some of the points that
11 Dr. Lyou already mentioned.

12 I'd like to express my concern about the growing
13 need for strong landfill regulation, and due to the
14 threats these communities of color that surround them, and
15 the need for community input in decision making. It is
16 important that the Board adopts stricter rules on
17 environmental justice, such as landfill siting in
18 communities of color and increased education programs
19 among emerging minority communities.

20 Our government agencies must know that there's an
21 increasing concern about environmental justice issues
22 among communities of color, hence a lot of potential for
23 cooperation between these agencies and the community.

24 We strongly believe that communities of color are
25 no longer disassociated with environment. It has

1 historically been the concept or the idea.

2 And like Dr. Lyou mentioned earlier, our survey
3 among Los Angeles Latino voters shows that there's a
4 strong commitment among them to protect the environment.
5 And this commitment includes support of strong actions to
6 maintain environmental justice through tough environmental
7 laws and through strong enforcement of those laws among
8 other things.

9 However, the limited participation and input by
10 committee members, for example, in hearings such as
11 today's, is due perhaps to the lack of outreach or
12 appropriate outreach in those communities where these
13 outreach and education is needed the most. And I'm going
14 to give you an example. I do a lot of outreach and
15 presentations in community groups, at schools any form of
16 gathering unofficial gathering.

17 When I talk to, for example, monolingual spanish
18 speaking community members, I ask the question what do you
19 guys know about the environment, in this case,
20 medioambiental, which is the word for environment in
21 spanish. Community Members don't really find an
22 association. The first thing that pops into their mind is
23 the mountains, the trees, the ocean.

24 However, when I bring up to their attention, well
25 many of you have children who have asthma how many of you

1 would rather buy bottled or filtered water than drink tap
2 water? Everybody raises their hand.

3 And once they find the relation between
4 environment and health, everybody is aware that there are
5 many threats in the environment in communities where they
6 live.

7 Now, we understand that outreach is not an easy
8 issue especially when there are cultural and social
9 barriers. However, I encourage you to work with community
10 organizations, such as the California League of
11 Conservation Voters to work with the community to increase
12 its outreach in the community, and, hence, increase their
13 participation so they can come over and participate in
14 meetings like this, and they can become a part of the
15 decision-making process.

16 Thank you very much.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you very
18 much for being here.

19 Mr. Medina.

20 BOARD MEMBER MEDINA: Madam Chair, I won't go
21 into all the necessity for addressing environmental
22 justice concerns. I've done that in previous meetings. I
23 would, and I do see the, urgency, and that's why I would
24 like to move Resolution 2001-424 with the changes that
25 were recommended.

1 Before I do so, however, I did want to make note
2 that the California Department of Transportation, CalTrans
3 in September came out with an environmental justice
4 demonstration grant. And I know that in their strategic
5 planning, they made note also of the disparate impact that
6 roads and highways had had on minority and disadvantaged
7 communities in the past.

8 So I'm glad to see that CalTrans has put their
9 money where their mouth is and have made available a total
10 of \$3 million for projects in fiscal year 2001/2002
11 related to environmental justice.

12 So I'd like to move Resolution 2001-424,
13 consideration of and request for direction on immediate
14 action items to address environmental justice concerns in
15 Integrated Waste Management Board programs.

16 BOARD MEMBER PAPARIAN: Second.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you. We
18 have a motion by Mr. Medina, seconded by Mr. Paparian to
19 approve Resolution 2001-424.

20 Would you please call the roll.

21 SECRETARY FARRELL: Eaton?

22 BOARD MEMBER EATON: Aye.

23 SECRETARY FARRELL: Jones?

24 BOARD MEMBER JONES: Aye.

25 SECRETARY FARRELL: Medina?

1 BOARD MEMBER MEDINA: Aye.

2 SECRETARY FARRELL: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 SECRETARY FARRELL: Roberti?

5 BOARD MEMBER ROBERTI: Aye.

6 SECRETARY FARRELL: Moulton-Patterson?

7 CHAIRPERSON MOULTON-PATTERSON: Aye.

8 Thank you. This brings us to the end of our
9 first day of our meeting and tomorrow we'll be back here
10 at 9:30 and starting with Item number 18.

11 Thank you very much for your help.

12 (Thereupon the meeting was recessed at
13 4:55 p.m. until Wednesday, October 24
14 at 9:30 a.m.)

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2 I, JAMES F. PETERS, a Certified Shorthand
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12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
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